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HOUSE INTERIM COMMITTEE ON CHILD ABUSE AND NEGLECT, FOSTER CARE, AND ADOPTION

REPORT TO THE HOUSE OF REPRESENTATIVES

2004 SESSION OF THE

2003 GENERAL ASSEMBLY

OF NORTH CAROLINA

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HOUSE OF REPRESENTATIVES
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March 31, 2004

TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES:

Attached for your consideration is the report of the **House Interim Committee on Child Abuse and Neglect, Foster Care, and Adoption**, established by the Speakers effective September 19, 2003 as an interim committee of the House pursuant to G.S. 120-19.6(a1).

Respectfully submitted,

Representative Timothy K. Moore

Representative Jennifer Weiss

Cochairs

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James B. Black
Speaker

Richard T. Morgan
Speaker

Office of the Speaker
North Carolina House of Representatives
Raleigh, North Carolina 27601-1096

TO THE HONORABLE MEMBERS OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES

WHEREAS, the State and the counties have a duty to ensure that suspected cases of child abuse and neglect are thoroughly investigated and that future abuse and neglect of children is prevented; and

WHEREAS, since 1998, the cases of 92 dead children whose families had recent contact with child protective services have been reviewed by the State; and

WHEREAS, in the course of those investigations, officials found flawed risk assessments, lack of coordination and communication between and among governmental agencies, and other bureaucratic roadblocks to the full investigation and prevention of child abuse and neglect; and

WHEREAS, approximately 700 social services workers investigate more than 100,000 reports of child abuse and neglect annually, and social workers often face an overwhelming, emotional, and thankless task, resulting in high turnover; and

WHEREAS, research indicates that most social worker mistakes in child abuse and neglect cases stem from a lack of time, training, or resources; and

WHEREAS, children deserve a child protective services system that will help families when needed and remove children from abusive or neglectful situations when necessary; and

WHEREAS, in addition to ensuring that children are safe from abuse and neglect, the State should also ensure that its foster care and adoption system fulfills the need for children to be part of a loving, safe, and stable home;

NOW, THEREFORE:

Section 1. The **House Interim Committee on Child Abuse and Neglect, Foster Care, and Adoption** is established by the Speakers, effective September 19, as an interim committee of the House pursuant to G.S. 120-19.6(a1).

Corrected Copy: September 22, 2003

Section 2. The Committee consists of 24 members. The individuals listed below are appointed as members of the Committee. Members serve at the pleasure of the Speakers of the House of Representatives.

1) Representative Tim Moore, Co-Chair
2) Representative Jennifer Weiss Co-Chair
3) Representative Bobby Barbee
4) Representative Jeff Barnhart
5) Representative Curtis Blackwood
6) Representative Becky Carney
7) Representative Debbie Clary
8) Representative Margaret Dickson
9) Representative Beverly Earle
10) Representative Rick Eddins
11) Representative Jean Farmer-Butterfield
12) Representative Phillip Frye
13) Representative Howard Hunter
14) Representative Maggie Jeffus
15) Representative David Lewis
16) Representative Marvin Lucas
17) Representative Earline Parmon
18) Representative Jean Preston
19) Representative Karen Ray
20) Representative John Rayfield
21) Representative Deborah Ross
22) Representative Alex Warner
23) Mrs. Tamara Barringer
24) Ms. Jennifer Tolle-Whiteside

Section 3. The Committee may meet during the interim period between regular sessions upon the call of its cochairs.

Section 4. (a) In undertaking the study of child abuse and neglect, the Committee shall review the following to determine how children might be better protected from abuse and neglect:

1. The efficacy, structure and operation of the child protective services system as compared to similar systems in other jurisdictions.
2. High social worker turnover rates and their causes and effects on child protective services.
3. Improving the sharing of information between county Departments of Social Services and between county Departments of Social Services and other governmental agencies.
4. Improving computer systems to process and track child protective services cases.
5. The ability of the child protective services system to access the criminal records of individuals who are being investigated for child abuse or neglect.
6. The statutes relating to the protection of children and child guardianship, including specifically Subchapter 1 of Chapter 7B of the General Statutes.
7. The coordination of efforts between and among governmental agencies in investigating abuse, neglect, and dependency and child deaths.
8. Improving risk assessment by and training of social services workers.
9. The work, findings, and recommendations of the House Select Committee on Domestic Violence

(b) In undertaking the study of the foster care and adoption systems, the Committee shall review the laws on these subjects and the implementation of these laws to determine whether the systems need to be altered to more efficiently and effectively ensure that children are placed in safe, loving, stable, and caring homes.

Section 5. The Committee shall report on the results of its study, including any proposed legislation, to the members of the House of Representatives on or before April 15, 2004, by filing one or more reports with the Speakers' offices, the House Principal Clerk, and the Legislative Library. The Committee terminates on May 15, 2004 or upon the filing of its final report, whichever occurs first.

Section 6. The Committee is vested with the authority contained in Article 5A of Chapter 120 of the General Statutes.

Section 7. Members of the Committee shall receive per diem, subsistence, and travel allowance at the rate established in G.S. 120-3.1, G.S. 138-5, or G.S. 138-6, as appropriate.

Section 8. The expenses of the Committee shall be paid upon the written approval of the Speaker pursuant to G.S. 120-35 from funds available to the House of Representatives for its operations.

James B. Black
Speaker

Richard T. Morgan
Speaker

COMMITTEE PROCEEDINGS

November 5, 2003

The House Interim Committee on Child Abuse and Neglect, Foster Care, and Adoption (the Committee) met on November 5, 2003. The purpose of this meeting was to provide background information to assist the Committee in its work.

Professor Janet Mason, of the Institute of Government and the author of Reporting Child Abuse and Neglect in North Carolina, was introduced and began her remarks by quoting the 2003 North Carolina Child Health Report Card that characterized child abuse as an epidemic in North Carolina. Professor Mason explained how the State responds to child maltreatment through the criminal justice system and the child welfare system, how the child welfare laws and policy rules were established, and the limits of how and when intervention by the State can occur. The screening process for reports of child abuse was explained and discussed. Professor Mason ended her presentation by stating that the goal in every case is for the child to have a safe, permanent home within a reasonable period of time, which may be accomplished by keeping the child in the child's own home and providing the family needed resources, or removing the child from the home temporarily and returning the child home when it is safe, usually within a year. If neither of these options is possible, adoption, guardianship or legal custody of the child is pursued. Professor Mason then answered questions about the handling of false reports.

Mr. Tom Vitaglione, Senior Fellow, NC Child Advocacy Institute and Co-Chair, NC Child Fatality Task Force, was introduced next and reported on child homicides. He called attention to a memorandum from Covenant with North Carolina's Children listing recommendations to the Committee and a chart released by the NC Child Fatality Task Force showing that since the Task Force began in 1988, there has been a reduction in child fatalities of 31%. He then discussed the recent history of child deaths in North Carolina and the need to make progress in preventing child abuse homicides.

Ms. Jo Ann Lamm, Program Administrator for Family Support and Child Welfare Services Section, Division of Social Services, then made a presentation to the Committee on child protective services in North Carolina and stated that their mission is to ensure safe, permanent, nurturing families for children. She explained the process undertaken when a report of abuse or neglect is received by Social Services, pointing out that North Carolina has a mandatory reporting law. Ms. Lamm also spoke about the Central Registry, a confidential registry of abuse, neglect and dependency and child fatalities that are a result of alleged maltreatment. She also discussed caseload standards and enhancements to child protective services (CPS), including the Multiple Response System (MRS). The MRS system provides social service agencies with the opportunity to use two approaches to help families and protect children: a family assessment approach and an investigative approach. One of the goals is to expand the MRS system to all 100 counties in the state. Ms. Lamm stressed the importance of and need for: 1) a strengths based, structured intake process, 2) coordination between law enforcement and DSS, 3) improvement in recruitment and retention of child welfare workers, and 4) access to State criminal records for social workers. Discussion followed with a range of questions asked about the available workforce, foster care, families moving from county to county or out of state, cross county issues, salary range, and casework ratios.

Ms. Susan Osborne, Director, Alamance County Department of Social Services, spoke next to give the Committee the local front line view of child protective services work. In her remarks, she stressed the need for a statewide communication system for use by counties to track families. She explained the process of investigating/assessing a family, the complexity of family situations, and the different risks involved. Ms. Osborne also stressed the priorities of protecting children and maintaining the integrity of families.

Mr. Joe Lasinger, Child Protection Services Supervisor, Johnston County, spoke to the Committee about the challenges faced by caseworkers trying to help families: the personnel issues, including recruitment and retention of workers, psychological and physical trauma, excessive work hours, low pay, and lack of training and preparation. He also spoke of the lack of necessary information sources available to CPS both at the county and State levels, limited access to State criminal record checks and limited or no access to federal criminal record checks. Mr. Lasinger called on the Committee to do whatever is necessary to help families and protect the children of North Carolina.

Ms. Susan Morgan, Fiscal Research Division of the North Carolina General Assembly, presented a review of past legislative highlights by the General Assembly and showed the funding as recurring or non-recurring. Reductions in funding were also listed. Committee discussion followed.

November 6, 2003

The Committee met on November 6, 2003. During this meeting, the Committee focused on technology, prevention, and training.

Ms. JoAnn Lamm, Program Administrator for Family Support & Child Welfare Services Section, Division of Social Services, was introduced to report on information needed to adequately protect children. Ms. Lamm explained that one automated system is needed for all 100 counties, as well as access to statewide criminal records through the Administrative Office of the Courts. A question and answer period followed the presentation, and the Committee requested additional information about criminal background checks.

Ms. Marjorie Menestres, Executive Director of SAFEchild, was introduced next and spoke about how communities can come together to protect children. She shared with the Committee SAFEchild's mission, objectives, goals, and how to prevent child abuse. The Junior League of Raleigh established SAFEchild in 1992, and the organization works with families to teach parenting skills.

Ms. Evelyn Williams, Director of the NC Child Welfare Education Collaborative, was introduced to talk about the Collaborative. There are 6 social work education programs in the State, and Ms. Williams pointed out that social work education makes a difference in retention and performance. There are 152 child welfare scholars who have completed the Collaborative program, and 85% of those students work in a county DSS. The Collaborative started in 1999 and has had about a 22% cut in funding since they started, requiring them to cut the number of slots available for students. Discussion followed, including comments from Larry Johnson, DSS Director, Rockingham County, and Earl

Marrett, DSS Director, Johnston County, who both stated that they had positive experiences with Collaborative students.

January 13, 2004

The Committee met on January 13, 2004 to discuss matters related to information sharing.

Mr. Lanier Cansler, Deputy Secretary, Department of Health and Human Services, discussed NCFAST, which is a system designed to promote the sharing of information between counties statewide. Mr. Cansler stated that the Division of Social Services is reviewing the costs associated with establishing the system, and whether it is better to develop a new system or modify and build on existing systems.

Mr. David Atkinson, Child Protective Services Statistician, presented statistical charts discussing the variations in reporting between the counties. In response to questions by Committee members, it was decided that more time would be devoted to this subject at a future meeting.

Ms. Sherry Bradsher, Division of Social Services, gave an update on the inability of CPS workers to consistently access statewide criminal background checks. She stated that her Division is in the process of contracting with the Administrative Office of the Courts (AOC) to have two persons staffed at AOC twenty-four hours a day, seven days a week, which would enable CPS workers to access these records consistently and affordably. The cost is $201,835, half of which would be offset by federal funds. Currently 10 counties are using the AOC database, with a goal of having access for all 100 counties by July 2004.

Ms. Tammy Tyson, NC State Bureau of Investigation, discussed federal criminal history checks and how the SBI supports agencies that want federal criminal history checks. Mr. Ashby Ray from the North Carolina Attorney General's Office informed the Committee that local law enforcement is allowed to run national criminal history checks on a person if there is an ongoing criminal investigation. Ms. Sherry Bradsher pointed out that live scan systems are usually located inside the jail area, and CPS workers do not have access to them. However, when they do have access to the live scan system, the turn-around time on investigations is twenty-four hours.

January 14, 2004

The Committee met on Wednesday, January 14, 2004. Topics discussed during this meeting included CPS staffing issues and the CPS investigation process.

Ms. Sarah Worley, Sampson County Child Protective Services Supervisor, described the needs for her county from a rural county's perspective. She discussed the need for additional social workers and juvenile officers, the need for better communication between local agencies as well as the court system, the need for more training so that teachers, local law enforcement, and others will know when and what to report, and more mental health resources.

Ms. Lora Blanchard, Deputy Sheriff in Sampson County, discussed her experience investigating child abuse and sexual abuse cases from a rural law enforcement perspective. She has 12 years of investigative experience, and she described her caseloads and the investigative process. Ms. Blanchard expressed a need for more investigative assistance, a database, more training, and the need to know if DSS has previously dealt with a particular individual.

Mr. John Webster, Wake County Child Protective Services Supervisor, was one of several individuals that discussed child abuse and neglect cases from an urban county's perspective. Mr. Webster stated that Wake County is doing well in this area, as it has more resources than some of the smaller counties. He discussed the process for receiving an abuse report, and stated that a multidisciplinary team consisting of social workers, law enforcement personnel, assistant DA's, a guardian ad litem, a sexual abuse doctor and others meet at the courthouse to discuss reported cases in a confidential environment. Mr. Webster added that this process helps to expedite cases in a more efficient manner. However, Mr. Webster stated that Wake County still has many needs, including the need to improve communication, the need for more workers and services, the need for interpreters due to the growing Hispanic population, the need for programs for juvenile offenders, as well as the need for CPS access to statewide criminal checks and a national registry.

Ms. Kathy Sutehall, CPS Investigator with Wake County DSS, discussed her experience as a social worker in Wake County over the past 14 years. She stated that she works very hard with law enforcement on her investigations and feels that law enforcement has been very helpful to her and CPS.

The Committee discussed CPS employee turnover. Ms. Worley, from Sampson County, commented that her county has about a 25% turnover rate, and felt that workers need incentives and bonuses similar to those given to teachers. Mr. Webster stated that it takes approximately two to three years for an employee to establish a comfort level and that incentives were needed as well. Mr. John Eller, Swain County DSS, commented on the disparities between larger urban counties and smaller, rural counties. He stated that there is a need to review variations in salary between counties, and that there is a greater need for mental health and substance abuse resources.

Mr. Stoney Blevins, Wake County Child Protective Services, spoke on the disparities between the counties, and stated that recruitment and salaries were issues that need to be addressed. In response to a question, Ms. Sherry Bradsher responded that three surveys would hopefully be available in February relating to statewide turnover rates, retention rates, and salary.

Ms. Linda Barker, Child Protection Coordinator for the Wake County DA's Office, discussed the investigative process from her office's perspective. She works closely with DSS and law enforcement on child abuse, child sexual abuse, and neglect referrals in an effort to ensure cases are investigated. She stated that to investigate properly, it takes coordination between the agencies, so she believes that training is important.

Deputies Graham Wood and Kim Pearce, both with the Wake County Sheriff's Department, discussed the process for investigating crimes relating to juveniles. Deputy Pearce expressed a need to have more assistance in the sheriff's office.

Following these presentations, the Committee discussed what they had heard regarding disparities in staffing and resources and requested additional information from staff. A request was made to have a list compiled of all the needs and recommendations made thus far, and Committee members and individuals in the audience were invited to send recommendations and information to the chairs.

January 29, 2004

The Committee met on January 29, 2004. Topics discussed during this meeting included the Multiple Response System pilot, childcare, false reporting of abuse and neglect, and the Guardian *ad litem* program.

Ms. JoAnn Lamm, Section Administrator, Family Support & Child Welfare, Division of Social Services, gave an overview of the Multiple Response System (MRS). MRS is a child welfare system reform effort. It is a system that no other state has undertaken at this point. She reviewed the needs that prompted the reform and spoke on the 7 strategies of MRS and the beliefs of family centered practice in their approach.

Mr. Sam Haithcock, Director, Caldwell County Department of Social Services, introduced 3 members of his staff to explain how MRS is working in Caldwell County. Caldwell and Nash are two of the 10 pilot MRS counties. The staff spoke about various aspects of MRS and all felt that the MRS approach is more supportive and family friendly, building on the strengths of the family rather than the weaknesses.

Representative Moore raised the issue of false reports in child custody cases. The staff from Caldwell County stated that there are a lot of malicious reports in custody battles that are usually easy to spot and that it is usually the same families involved.

The Committee discussed the availability of second and third shift childcare and child care subsidy to support families who are trying to work. It was noted that there is a need for childcare for people who work second and third shifts. It was also determined that there is a large list for people waiting for child care subsidies, a key to helping parents go to work and remain working.

Ms. Laura O'Neal, Director of Nash County Department of Social Services was introduced to discuss Nash County's experience with MRS. Ms. O'Neal brought four staff members with her, who talked about the structural changes to staff with MRS, case management, child and family teams, and shared parenting.

Ms. Jane Volland, State Administrator, Guardian *ad Litem* (GAL) program was recognized to talk about the GAL program. The GAL program was established by the General Assembly 20 years ago. GALs are appointed to represent the child in court. Ms. Volland spoke on recommendations. A critical need is to increase attorney advocate pay. Ms. Volland said they need access to NCIC records. There is a need to modify federal guidelines so DSS can have access to the records, and the GAL program can too. The

third recommendation is to increase the number of staff and benefits of the GAL program. The final recommendation was to update database systems so they can interface.

Ms. Volland stated that the number of appeals of termination of parental rights cases is increasing. Last year there were 85 appeals, and the year before, there were 14. Sometimes appeals can linger two or three years. Ms. Volland said there is a committee that is looking into how to expedite the process. Ms. Volland urged our State to adopt an expedited appeal process.

February 19, 2004

The Committee met on February 19, 2004 to discuss the Central Registry, malicious reporting and training and staffing issues.

Mr. David Atkinson, with the Division of Social Services, made a presentation on historical data from the Central Registry for the year 2003. Mr. Atkinson recognized there are inconsistencies in the data. A federal review had also indicated inconsistent practices county to county. See *Appendix A* for a copy of the data discussed.

Mr. Joel Rosch from Duke University also spoke on the Central Registry data. According to Mr. Rosch, the Central Registry was not developed as a measure of child well being or to count the harm or injuries to children; it was originally developed as a way to measure staff workload and to measure how many cases are being handled by different agencies. Mr. Rosch believes there is a need to look at the measure of child well being. However, one of the problems in the child protective services system is that it does not have a standard marker that could be used. A standard intake tool is a move in the right direction. Mr. Rosch made a suggestion to look at three ways to measure child well-being. The first is to keep a count of the number of child deaths. The second is to encode the injuries of children that go to emergency rooms. Many states currently do this, but North Carolina does not. Third is to enhance the developmental screening given to all children beginning kindergarten to include social and emotional measures.

Dr. Marcia Herman-Giddens, Sr. Fellow, Adjunct Professor School of Public Health UNC-Chapel Hill, spoke on child protective services data. Nationally, about 2-½ % of children are investigated and about 32% are substantiated. In North Carolina, about 5% of children are investigated and about 32% are substantiated. North Carolina is in the top 1/10 to 1/3 of states having the highest incidence of child abuse homicides. Since 1985, in North Carolina a child has been killed by a caregiver (someone responsible for taking care of the child) approximately every two weeks. Only about a third of the children killed have been known to DSS in the last year prior to the death.

The Committee then discussed malicious reporting. Currently, North Carolina does not have a statute prohibiting persons from making a malicious report of child abuse, neglect or dependency, and the State does not currently collect data of these reports. The Committee determined that further information and discussion on this topic was warranted.

The Committee then focused on training and staffing issues. Several studies were presented to the Committee and copies of those reports. *See Appendix B.* According to these studies, local county departments of social services, which employ CPS workers (including social workers), report that it takes more than 71 days to fill a position. Seventy-three percent of the social worker III workforce in the counties have less than five years experience in the position. Salaries of these social worker positions are a function of county government, not State government. Social workers are county workers subject to certain provisions of the State Personnel Act.

The Multiple Response System (MRS) was discussed as a way to address some of the staffing and training issues. Ms. Debbie Brigman with Moore County addressed the Committee on the implementation of MRS in Moore County. She said that the caseworkers have found that including the families through the use of the family assessment tools acknowledges and affirms the strengths of the family. Ms. Brigman said that Moore County is one of the new pilot counties; they have implemented portions of MRS over the last five years and, although they are have not completed some of their initial training and have not implemented the second phase of MRS, the caseworkers are excited to have the opportunity to work with families in the traditional social work approach of reaching out.

Ms. Brenda Reid Jackson, Co-chair of the Children Services Committee of the North Carolina Association of County Directors of Social Services, and Director of the Greene County Department of Social Services, addressed the Committee with recommendations from the North Carolina Association of County Directors of Social Services on recruitment and retention of child welfare social workers. She stressed the need for higher salaries, casework standards, investment in technology, safety measures for workers, expansion of MRS, and expansion of the Child Welfare Collaborative program.

Ms. Nancy Dickinson, MSSW, PhD, Executive Director of Jordan Institute for Families, School of Social Work, University of North Carolina at Chapel Hill, spoke to the Committee on the work of the North Carolina Child Welfare Education Collaborative. The Jordan Institute is the administrative body responsible for the Education Collaborative. Ms. Dickinson reviewed the present locations of the Collaborative, future expansion plans, and what it will take to achieve those goals. Ms. Dickinson said that the Collaborative comes under the framework of the University of North Carolina Board of Governors and is fully funded by DHHS with State and federal funds. They do not receive direct university funds except as matching funds (i.e. classrooms, rent, utilities). The University of North Carolina Board of Governors approves new programs, and $5 million is needed to fully fund the existing program and expand to additional university sites within the UNC system. Several local directors expressed accolades for the Collaborative program, stating training and retention issues are both addressed by its process.

March 2, 2004

The Committee met on March 2, 2004 with an emphasis on prevention programs.

Ms. Sandy Turnage, a foster child aged 15, and her foster mother, Ms. Toni Blackwell,

spoke of their experiences with the foster care system. Ms. Turnage credits Wake County Social Services and the social workers who act as her mentors, Guardian *ad Litem*, being around people with positive attitudes, being involved in positive activities and having transportation to those activities with her new outlook. Ms. Toni Blackwell, foster mother and a foster child at age 14, describes foster care as a blessing to her birth family and an opportunity for them to see how an individual can make a difference in the life of another. Ms. Blackwell thinks more community education would dispel some of the myths surrounding foster care. She said that she has never felt that the foster care program tried to hide anything about a child being placed, but there can still be surprises.

Ms. Beth McAllister, Executive Director of Summit House, spoke. Summit House, in operation for 10 years, is a residential treatment home for mothers and their children and is closely supervised, highly structured, therapeutic home providing an alternative for female offenders facing active prison sentences for non-violent offenses. Mothers live at Summit House with their children for eighteen to twenty-four months. Summit House seeks to intervene and break the cycle of substance abuse and crime by helping mothers become substance free, finish their education, learn parenting techniques, and take care of the needs of themselves and their children. Eighty percent of the mothers served at Summit House stay out of the criminal justice system.

Ms. Vivian Sanders, Director, Bertie-Lewiston/Woodville Family Resource Center, spoke on their program of prevention of abuse and neglect at the Center through various programs. Among the classes and resources offered are: assistance and support for single parents, nutrition, after school programs, awareness and HIV/AIDS support, summer care, hot meals, partnering of grandparent caregivers with single parents, and access to a clothes closet and a food pantry. They have partnered with Bertie County School with an exceptional student program that provides help for students with mild learning disabilities, respite for parents, and a safe place free of verbal abuse. One of the biggest barriers in their county is lack of transportation. They have a volunteer transport program to better access available resources. The program has been in effect for ten years. Data shows that this Family Resource Center has served over 10,000 families.

Mr. William Owens, Director, Franklin-Vance-Warren Opportunity, Inc. described the services offered by the South Henderson Family Resource Center to combat child abuse and neglect. That Family Resource Center (FRC) is located in a low-income, high unemployment area. Vance County has the highest unemployment rate in the State. The FRC offers job training but has no jobs for their clients. They are trying to locate employment in Durham, Raleigh, and Butner/Creedmoor and are considering vanpools as a means of transportation to and from work. Mr. Owens said that the FRC after-school program is limited to elementary school students.

Ms. Esther High, Manager, NC LINKS Program, a foster care and adoption program within the Division of Social Services, spoke to the Committee about this program for young people who are not adopted and who cannot return to abusive families. The goal of the program is to help youth and young adults make a successful transition from foster care to self-sufficiency. Ms. High explained the Chafee Foster Care Independence Act and the priorities of the LINKS program. She also spoke of the SaySo (Strong Able Youth Speaking Out) organization and said that nine of the SaySo members would be

serving as pages for the General Assembly and the Governor's Office in the 2004 Session. Ms. High reviewed some of the LINKS best practice examples from North Carolina counties. Grants of up to $5,000 per year can be provided for community college as well as a post secondary educational or vocational training school. Ms. High said that this program is only for children in the foster care system; it is a program designed to help youth be in a position to hold a job.

Representative Barnhart asked for clarification on the use of $1 million in TANF block grant funds that was to be distributed to the counties for creating new child protective services positions in the county. Ms. Sherry Bradsher, Deputy Director of the Division of Social Services, explained that staffing surveys showed 44 new positions were created with an average salary of $33,000. She said they know 50% needs to be added to that amount for overhead (supervision, training, supplies) and that results in an average of about $66,000. The $2.6 million includes the $1 million in TANF; the other money would have been county money that counties had to put forth in order to hire those positions.

March 3, 2004

The Committee met on March 3, 2004. The focus of this meeting was prevention and child abuse reporting laws.

Ms. Michelle Hughes, Prevent Child Abuse of North Carolina, was introduced to speak about the Prevent Child Abuse organization. Ms. Hughes said child abuse prevention is defined as strategies or programs that try to reduce risk factors related to child maltreatment and increase protective factors associated with good parenting, family stability, and child safety. There are three categories of child abuse prevention---primary, secondary, and tertiary prevention. The majority of attention and resources both in North Carolina and nationally goes to tertiary prevention---the child protection system. Ms. Hughes gave an example of an effective prevention program that should be supported in North Carolina---intensive home visiting. This program is voluntary and is typically aimed at low-income, first time parents. The Center for Disease Control concluded that approximately 40% of maltreatment episodes could be prevented through early childhood home visits. Currently, there are 13 intensive home visiting sites in North Carolina. Prevent Child Abuse NC is now collecting data on child abuse prevention programs. Currently, less than 100 agencies and organizations have been identified that provide child abuse prevention programming directly to children and families. These programs are diverse. Prevent Child Abuse does develop and disseminate information about best practice programs. There is very limited State funding for child abuse prevention in North Carolina. What little funding exists among state agencies is fragmented. There is no one state agency in North Carolina that takes primary responsibility for overseeing child abuse prevention programming.

Ms. Charisse Johnson, Wayne County First Steps, spoke to the Committee about her organization's child abuse prevention efforts. Wayne County First Steps Program officially began operation in 1996. First Steps identifies mothers of newborns in Wayne County for risk factors: no prenatal care, a single parent with no support system, a history of substance abuse, mental illness, limited financial resources, teen parents, abuse of a child, or a parent without a home. The program is voluntary. First Steps wants to

help the parents be successful, and the program builds on strengths of the family. The program also does developmental assessments. Last year the program served 119 families. Ninety-eight percent of the families served had no incidences of child abuse and neglect, but two percent had incidences of child abuse and neglect that were substantiated. The program's current funding is $150,000.00.

Professor Janet Mason, Institute of Government was introduced to speak on the abuse, neglect, and dependency reporting laws. North Carolina has a universal reporting requirement -- everyone has a duty to report if they have a reasonable, good faith cause to suspect abuse, neglect or dependency. In a number of states, that duty applies only to certain professionals. North Carolina has no statutory penalty for failure to report. No state has a sanction simply for making a report that turns out not to be true, because society wants to encourage people to make reports on the basis of cause to suspect. There is a very small potential for criminal prosecution under the common law. There is also the potential for civil liability if a failure to report results in harm to the child. To encourage people to report, North Carolina law says as long as you report in good faith you are immune from civil or criminal liability. In order to be successful in an action for libel or slander or some other civil tort, the person bringing the action has the burden of overcoming that presumption. Ms. Mason has found it nearly impossible to find any studies or statistics about how many malicious reports occur. *See Appendix C* for additional background information.

Ms. JoAnn Lamm, Division of Social Services, clarified that if the Division had a child welfare information system, they could capture information about how many types of reports they have received that are either false or malicious or instances where people have failed to report. None of this information is collected or available now. With the Multiple Response System (MRS), they have tried to address it in two ways: structured intake, and in the ten counties that started MRS in August 2002, they use structured decision making tools. Ms. Karen Taylor George, Executive Director of the County Director's Association, informed the Committee that they conducted an informal poll of their directors about malicious and false reports, and they do not have good numbers. The current practice is to err on the side of the child and investigate. Karen Taylor George pointed out that typically malicious reports are related to divorce and custody cases. In the cases of custody, they often find the reports are valid. When it comes to the custody issue, the parent that has concern for the safety of the child will then make a report because they are no longer there and able to protect the child. It is important for DSS to take these cases very seriously. The DSS Directors do believe MRS and structured intake will make a difference.

March 22, 2004

The Committee met on March 22, 2004. During this meeting, the Committee discussed NC FAST, malicious reporting, funding sources for child welfare, the Department of Health and Human Services' priorities in child welfare, and Committee recommendations for its report.

Mr. Lanier Cansler updated the Committee on the status of NC FAST. There are currently eight different areas in Health and Human Services dealing with children:

Work First, Food Stamps, Medicaid, Health Choice for Children, Child Support Enforcement, Child Care, Child Welfare, and Adult and Family Services, and they do not have the technology to link them all together. NC FAST would help to identify the case, and the case history would follow the families when they move in the state. With the information in one data file, workers could track children throughout the State. Mr. Cansler's goal is to have a system operational before June 30, 2005. *See Appendix D.*

Mr. Roy Young, Director, Union County DSS, spoke about NC FAST and case management. He said of the 100 counties, 97 counties are in full support of a statewide system. Most counties do not have the technology to support their workers. Information is not shared between counties. If counties have better data, then they can make better decisions and allocate their resources more efficiently. The online case management system would provide the social worker with the tools that are needed to do the job of protecting children. An automated system would make it easier to search for a family in times when you need to make a decision quickly.

Mr. Keith Davis, Division of Social Services, spoke on the malicious/false reporting survey results requested in an earlier meeting. *See Appendix E.* The counties had a one-week turnaround time to get the information back to the Committee. Mr. Davis conducted an analysis of the survey and found the counties used a variety of methods to respond to the survey. Some counties gave it their best guess, and some small counties looked at all of their records. Some counties polled staff or used one month as a sample. Because counties used varying methods to determine the level of malicious reporting, the usefulness of the information was questioned. The Committee concluded that more information is needed.

Ms. JoAnn Lamm, Division of Social Services, was introduced to speak on the Multiple Response System (MRS) goals. MRS started out in ten counties in August 2002. Forty-two counties came in during 2003 so now 52 counties are using MRS. Their goal is to take MRS statewide. They would like help in achieving the one to eight caseload. A goal is to have workers supported in ways of training. Also, Ms. Lamm encouraged the Committee to look at expanding the education collaborative. Their goal is not to keep training workers all the time, but to retain them. They also need facilitators for child and family teams. Another area is to help them with a plan for statewide recruitment and retention of foster parents. Also, training and education of the social workers is needed. For them to be successful in implementing MRS, the Division needs some support as it relates to staffing to be able to provide the supervision and direction to the county departments of social services.

Ms. Susan Morgan, Fiscal Research staff, spoke on funding sources, child welfare expenditures, social service expenditures summary by service area and county profiles showing the portion of federal funds each county spends. Mr. Tony Solari, North Carolina Partnership for Children, stated that 43% of the Smart Start allocation is spent for childcare subsidies and that there is a waiting list of 22,000 – 24,000 statewide. Legislation mandates that Smart Start funds and services are provided first to the children with greatest need. He also said that the subsidy is on a sliding scale based on income. He also discussed the Children's Trust Fund, established by statute to fund abuse and neglect prevention programs. Programs are funded through an RFP process. Mr. Doug

Holbrook, Fiscal Research staff, talked about the Guardian *ad Litem* funding. Funding is made on a district basis with the current year's funding based on the total workload for the previous year's workload.

Ms. Carmen Hooker Odom, Secretary, Department of Health and Human Services thanked the Committee for their leadership and she spoke about the requests of DHHS for 2004. She focused on four areas critical to child well being and strengthening families through their partnership with local county departments of social services: the importance of reducing the ratio of social workers to children with a multi-year approach to funding for more trained social workers and expansion of the Education Collaborative; technical assistance for the Multiple Response System (MRS) to move it statewide and provide assistance in developing child and family teams across the state and providing recruitment and retention of adoptive and foster care parents; training initiative to allow adequate training across the disciplines; evaluation and monitoring of programs to meet the guidelines for federal funding. Secretary Hooker Odom also identified NC FAST as a priority of DHHS.

The Committee concluded its meeting with a discussion of recommendations for the final report to the House of Representatives.

March 31, 2004

The Committee met and discussed its final report. Upon motion and discussion, the Committee adopted its final report.

FINDINGS AND RECOMMENDATIONS

The House Interim Committee on Child Abuse and Neglect, Foster Care, and Adoption recognized that the issues affecting the safety and well being of North Carolina's children are multi-faceted and there are no simple, easy solutions to the problems presented.

The Committee also found that an overriding consideration of the legislative and executive branches when enacting and implementing child protective services programs and policies should be the fiscal impact on the counties carrying out the programs and policies. Specific consideration should be given to each individual county's ability to fund and implement new programs and services.

Upon discussion and debate, the Committee makes the following findings and recommendations:

A. **Information Sharing.**

1. ***NC FAST.*** In order to better serve families, the county departments of social services need a comprehensive, statewide computer system of records maintained by the various programs of DSS that would be accessible by all 100 counties (NC FAST). The U. S. Department of Health and Human Services may reimburse the State for one-half the cost of implementing such an information system if the system is designed according to the federal guidelines for a Statewide Automated Child Welfare Information System (SACWIS). The Secretary of the Department of Health and Human Services has submitted a request regarding NC FAST as part of the Department's expansion budget request to the Governor.
    a. The Committee strongly supports NC FAST and recommends that the Appropriations Committees of the General Assembly consider this request for the design, development, and implementation of the system in compliance with SACWIS at the appropriate time, taking into consideration any potential financial impact to local governments as a result of the implementation of the request. *See Appendix F.*
2. ***Statewide criminal background checks.*** Information regarding the criminal background of alleged perpetrators of child abuse, neglect and dependency would assist the county departments of social services in better protecting children in North Carolina. This information with respect to the alleged perpetrators' actions within the State of North Carolina as maintained electronically by the Administrative Office of the Courts (AOC) needs to be available in all 100 county departments of social services offices. A contract between DHHS and AOC is currently under negotiation to allow for this process. All 100 counties should have access by July 2004. *See Appendix G.*
3. ***Federal criminal background checks.*** Information regarding the criminal background of alleged perpetrators of child abuse, neglect and dependency would assist the county departments of social services in better protecting children in North Carolina. This information with

respect to the alleged perpetrators' actions across the nation is not always obtained in situations where the check is available as an assessment tool to the social worker. Training, knowledge, and better communication among agencies should address this issue.

a. The Committee recommends that DHHS and the Department of Justice, along with other interested agencies, are directed to develop and implement a method for educating law enforcement and child protective services personnel involved with CPS investigations with regard to the scope, responsibilities, and limitations of their role in the investigation and with regard to the availability of criminal background histories on alleged perpetrators. *See Appendix F.*

b. The Committee recommends that the General Assembly seek review and amendment of the federal law to allow sharing of information to better protect the children of the State of North Carolina. *See Appendix H.*

4. ***Lack of Awareness.*** Sister agencies, professions and community members are not always aware of the need to notify the local department of social services when a child is in a potentially abusive, neglectful, or dependency situation. Training, education, and better communication should address this issue.

B. **Training/Staffing Issues.**

1. ***Recruitment and Retention.*** The county departments of social services report a turnover rate of almost 30% in the Social Worker III classification, which is the "in-the-field" worker for child protective services. Recruitment of qualified candidates to fill that position is a lengthy process that is extended further by the requirement of 72 hours of pre-service training once a person is hired to fill the position. The Child Welfare Collaborative, designed to educate and train committed social workers, within the University of North Carolina system is working to address these issues.

a. The Committee found that expansion of the Collaborative would be beneficial. The Secretary of the Department of Health and Human Services has submitted a request regarding the Collaborative as part of the Department's expansion budget request to the Governor. The Committee strongly supports the expansion of the Child Welfare Collaborative and recommends that the Appropriations Committees of the General Assembly consider this request for the Collaborative at the appropriate time, taking into consideration any potential financial impact to local governments as a result of the implementation of the request. *See Appendix F.*

b. The Division of Social Services has agreed, at no cost to the State, to allow personnel from temporary social work agencies to be provided the 72 hours of pre-service training so that qualified temporary help will be available to fill in while protective services positions are being filled. The Division has also agreed to review experience of child welfare workers that

have not practiced in the State in the past 24 months on a case-by-case basis with regard to the required 72-hour pre-service training. *See Appendix G.*

2. ***Salaries and Caseloads.*** Pay, benefits, and the ratio of child protective services workers to families vary across the state. For each county, the creation of positions and the salary compensation of those workers are the responsibility of the county board of commissioners. The Committee found that variations in pay and benefits existed across the State for the same position.
    a. The Committee recommends that additional monies be made available to historically overburdened counties to create and fund new positions. As part of this recommendation, the Committee recommends that the TANF Block Grant funds allocated by the General Assembly for welfare services personnel should be restricted to the creation of new, additional positions at the local level for direct child protective services; and such funds should not be used for administrative or overhead costs, training or other activities, or supplant existing federal, state, local or other resources currently funding existing child protective services staff. *See Appendix F.*
    b. The Committee recommends that a study of the child protective services positions in the counties be performed to discern the reasons for the variations in compensation and the possible solutions. *See Appendix F.*
    c. The Committee recommends that the North Carolina County Commissioners Association, DHHS, and the Office of State Personnel develop an incentive program for child protective services personnel to address recruitment and retention concerns. *See Appendix F.*
    d. The Committee recommends that the Department of Health and Human Services and the Fiscal Research Division of the General Assembly review the current funding formulas for Child Protective Services at the local level. The Department shall report to the General Assembly and the Fiscal Research Division information regarding the rationale applied in determining county funding for Child Protective Services. The report shall also include recommendations on improving the funding formula to assure that counties are funded on an equitable basis. *See Appendix F.*
3. ***Reporting Issues.*** Persons in the child protective services system report that scarce resources are diverted from needy families when knowingly and willfully untrue reports of abuse, neglect and dependency are made and expressed concern regarding instances of failure to report in situations of abuse, neglect, and dependency. The Committee found that more information about the frequency with which such reports occur is needed to evaluate the situation.
    a. The Committee recommends that the Division of Social Services collect and maintain data as to the reason why a report

of abuse, neglect and dependency is determined to be unsubstantiated if the report is classified as such upon investigation. *See Appendix F.*

b. The Committee recommends that the Division of Social Services also collect and maintain data as to whether all reports of suspected abuse, neglect or dependency are reasonably believed to have been knowingly and willfully made with untrue statements and why those statements are reasonably believed to have been knowingly and willfully made with untrue statements. The Division of Social Services shall report such information annually to the General Assembly. *See Appendix F.*

c. The Committee recommends that the Division of Social Services also collect and maintain data of instances of failure to report allegations of abuse, neglect, or dependency and the known reasons for that failure to report. *See Appendix F.*

d. The Committee recommends that the Department of Health and Human Services review other states' reporting practices, including legislation, implementation concerns, and frequency of violations of the reporting laws, and report to the 2005 Regular Session of the 2005 General Assembly with recommendations and any suggested amendment to the North Carolina reporting laws on or before the convening of session. *See Appendix F.*

C. **Multiple Response System (MRS).**

1. ***Expansion of the existing pilot program.*** Currently 10 counties are fully trained and implemented. An additional 42 counties are being trained and beginning implementation of the Multiple Response System. DHHS has recommended statewide expansion of the program. The Secretary of the Department of Health and Human Services has submitted a request regarding MRS, including additional personnel positions for counties with CPS worker shortages, as part of the Department's expansion budget request to the Governor.

   a. The Committee strongly supports MRS and recommends that the Appropriations Committees of the General Assembly consider this request for MRS at the appropriate time, taking into consideration any potential financial impact to local governments as a result of the implementation of the request. *See Appendix F.*

2. ***Evaluation of MRS.*** As MRS is new to North Carolina families and agencies providing a child protective service, evaluation of the system is needed to provide feedback and improvement. Duke University is currently working with the Division to develop and implement an evaluation tool.

3. ***Funding.*** The Committee recognizes that additional funding from the local, state and federal level will most likely be needed to fully implement MRS. Additional qualified workers to reduce caseloads,

lead Child and Family Team meetings, provide program evaluation, and provide assistance in support roles are needed.

4. ***Technical Assistance.*** The Committee found that the Division, in its role as the supervisory agency, will need infrastructure to support the work of the county departments of social services.
5. ***Lack of mental health and substance abuse services in communities.*** The Committee heard from multiple sources including social workers, the Division of Social Services, and law enforcement officers that lack of availability of mental health and substance abuse services in communities was an impediment to providing safe and secure environments for children to prosper.
    a. The Committee recommends the Joint Mental Health Oversight Committee be notified of this finding for further study and recommendation.

D. **Prevention Programs and Initiatives.**

1. ***Child Fatality Task Force.*** The North Carolina Child Fatality Task Force is charged with developing a system for the multidisciplinary review of child deaths in North Carolina and with undertaking a statistical study of child deaths. The Task Force is also mandated to report annually to the Governor and General Assembly regarding its conclusions and recommendations for changes to any law, rule or policy that it has determined will promote the safety and well being of children, including specific legislative and policy proposals with accompanying detailed fiscal notes setting forth the costs to the State. One full time and one part time employee position within the Task Force were cut in 2003. An appropriation of $64,429 would restore these positions.
    a. The Committee recommends that $64,429 be appropriated to DHHS for the purpose of restoring the personnel positions of the Child Fatality Task Force. *See Appendix I.*
2. ***Parenting education, home visitation, child development information and other child abuse/neglect prevention programs across the state.*** DHHS should develop a comprehensive strategy to address the need for child abuse/neglect prevention programs across the state, including an assessment of best practices, an examination of existing funding sources, and restoration of funding where needed. *See Appendix F.*
3. ***Availability of treatment services.*** The Committee heard from multiple sources including social workers, the Division of Social Services, and law enforcement officers that lack of availability of mental health and substance abuse services in communities was an impediment to providing safe and secure environments for children to prosper.
    a. The Committee recommends the Joint Mental Health Oversight Committee be notified of this finding for further study and recommendation.
4. ***Child Care.***
    a. The Committee found that there is a critical need for additional childcare subsidy monies. As of March 2004, approximately

24,000 children are on the waiting list for childcare slots. The cost for funding these slots is approximately $57.6 million.

i. The Committee strongly supports a recommendation that the Appropriations Committees of the General Assembly consider appropriating additional funds to reduce the number of families waiting for Child Care Subsidy.

b. The Committee found that there is a need for 2nd and 3rd shift childcare services.

5. ***Children's Trust Fund.*** The Children's Trust Fund was created by the General Assembly to focus on prevention of child abuse and neglect. Funding for the Trust Fund derives from marriage licenses and specialty motor vehicle license tags. Currently, the Children's Trust Fund is administered within the Department of Public Instruction. The Committee found that the children would be better served if the Trust Fund were administered within DHHS.

a. The Committee recommends that the Children's Trust Fund be moved from the Department of Public Instruction to DHHS. *See Appendix J.*

b. The Committee recommends that the Children's Trust Fund report annually on revenues and expenditures of the Fund to the Joint Committee on Governmental Operations. *See Appendix F.*

E. **Foster Care and Other Miscellaneous Issues**.

1. ***Low Guardian ad litem (GAL) attorney reimbursement rates.*** According to the Guardian *ad litem* program, the GAL attorney advocates' reimbursement rate is approximately one half that of criminal defenders. The program reports that an appropriation of $1.4 million would equalize the pay GAL attorney advocates receive. It was also reported that reimbursement for all court appointed attorneys is at a level that does not encourage attorneys to participate in the program. The Committee found that more information on both the reimbursement of the GAL program and the indigent defense program was needed to sort out the discrepancies and encourage more attorneys to participate in the programs.

a. The Committee recommends that $1.4 million ($1,400,000) be appropriated to the Administrative Office of the Courts for the Guardian ad Litem program for the specific purpose of attorney advocate reimbursement. *See Appendix I.*

b. The Committee recommends that the Administrative Office of the Courts contract with an independent research entity to study court appointed attorney compensation and report to the 2005 Regular Session of the 2005 General Assembly. AOC shall consult with the Office of Indigent Defense Services on the selection of the independent research entity. AOC and IDS shall jointly use up to $50,000 of available funds to secure this contract. *See Appendix F.*

2. ***Expedited juvenile appeals.*** Final decisions in juvenile protective services hearings are important to the stability and permanency of the juvenile. The courts are reporting a rapid increase in the volume of appeals from decisions in juvenile protective services hearings, including termination of parental rights. The Committee found that as the need for permanency within a reasonable time is a requirement of the Adoption of Safe Families Act of 1997, this issue needs immediate attention. The North Carolina Court Improvement Project is currently studying the reported significant increase in appeals from juvenile cases, including termination of parental rights hearings.
    a. The Committee recommends that the Court Improvement Project report its findings, including annual statistical data and results of appeals, and recommendations to the Appropriations Committees of the House and Senate and to the House Children, Youth and Families Committee on or before June 1, 2004. *See Appendix F.*
3. ***Funding for foster care is not adequate to address needs.*** The Committee recognizes that current funding for foster care and adoption parents in inadequate.
    a. The Committees strongly recommends that the Appropriations Committees of the General Assembly consider this concern at the appropriate time, taking into consideration any potential financial impact to local governments.
4. ***Availability of resources for children aging out of the foster care system to allow the child to become a productive member of society.*** The Committee heard from the Division Social Services about its resources for juveniles reaching the age of majority while still in the foster care system. The program, NC LINKS, is available to all foster children age 13 and above and assists in the transition to becoming an educated, productive citizen.
5. ***Need for foster parents.*** The Committee heard from several sources that the counties need additional licensed foster parents. One such parent suggested that the information about foster care should be more readily available to attract prospective foster parents, and that transportation assistance has been one of the greatest needs as a foster parent. The Secretary of the Department of Health and Human Services has submitted a request regarding foster parent recruitment and retention as part of the Department's expansion budget request to the Governor.
    a. The Committee strongly supports the need to recruit and retain licensed foster parents and recommends that the Appropriations Committees of the General Assembly consider this request at the appropriate time, taking into consideration any potential financial impact to local governments as a result of the implementation of the request. *See Appendix F.*

APPENDIX A
Prepared by the David Atkinson, Division of Social Services

North Carolina county statistics for CPS Investigative Assessments based on county child population

Unduplicated counts of Children Subject of an Investigative Assessment or a Family Assessment* - State Fiscal Year 2002-2003
Population Data From July 2003 Census Data Projections

This table provides a listing for all 100 North Carolina counties of number of unique children subject of an investigative assessment or a family assessment*. "Unique children" is defined so that when the same child is the subject of more than one investigative assessment or a family assessment, he/she is counted only once. These counts are then compared to the total county child population to provide a ratio of children who are subject of an investigative assessment or a family assessment* per total child population. Several factors influence this rate. A county Department of Social Service has the responsibility to make a determination when allegations of child maltreatment warrent an investigative or family assessmen*. This table does not show the rate at which children are found to be maltreated.

RANK	COUNTY	County Population of children AGE 0-17	Subject of an Investigative Assessment	Investigated per 1,000 children in county	RANK	COUNTY	AGE 0-17	Subject of an Investigative Assessment	Investigated per 1,000 children in county
1	MITCHELL	3,195	390	122 07	51	ALLEGHANY	2,104	114	54 18
2	MADISON	4,297	495	115 20	52	ORANGE	25,521	1,365	53 49
3	SWAIN	3,192	333	104.32	53	PAMLICO	2,514	134	53.30
4	HAYWDOD	11,160	1,122	100.54	54	PASQUOTANK	8,464	449	53 05
5	HENDERSON	19,535	1,790	91 63	55	ROCKINGHAM	21,263	1,126	52 96
6	CHEROKEE	4,951	443	89 48	56	PITT	32,982	1,737	52 67
7	RICHMOND	11,870	1,055	88.88	57	CASWELL	5,469	287	52 48
8	RUTHERFORD	15,034	1,328	88 33	58	COLUMBUS	13,726	718	52 31
9	NEW HANOVER	35,677	3,115	87 31	59	ASHE	4,804	249	51 83
10	ROBESON	36,440	3,101	85.10	60	NASH	22,554	1,164	51 61
11	VANCE	11,985	1,006	83.94	61	GRANVILLE	12,042	617	51.24
12	BURKE	21,969	1,844	83 94	62	MONTGOMERY	6,763	346	51 16
13	BUNCOMBE	46,786	3,854	82 38	63	DUPLIN	13,562	684	50 44
14	CALDWELL	18,373	1,458	79.36	64	RANDOLPH	34,173	1,717	50 24
15	CARTERET	11,558	914	79 08	65	HARNETT	26,717	1,319	49 37
16	CRAVEN	22,395	1,743	77.83	66	CABARRUS	37,140	1,806	48 63
17	MCDOWELL	9,952	774	77 77	67	POLK	3,856	184	47 72
18	EDGECOMBE	14,144	1,089	76.99	68	ALAMANCE	33,582	1,584	47 17
19	JACKSON	6,513	500	76.77	69	LINCOLN	16,578	777	46 87
20	GRAHAM	1,736	127	73 16	70	STANLY	14,695	688	46 82
21	ONSLOW	40,044	2,923	72 99	71	JOHNSTON	36,171	1,689	46 69
22	BEAUFORT	10,223	743	72.68	72	CLAY	1,556	72	46 27
23	CURRITUCK	4,736	344	72.64	73	ANSON	6,251	285	45 59
24	SCOTLAND	9,837	709	72.07	74	HERTFORD	5,117	233	45.53
25	CATAWBA	36,672	2,624	71 55	75	DURHAM	55,729	2,521	45.24
26	YANCEY	3,826	269	70.31	76	MARTIN	6,155	273	44.35
27	PENDER	9,929	681	68.59	77	PERSON	8,661	382	44 11
28	GASTON	47,179	3,094	65 58	78	GATES	2,644	116	43.87
29	LENOIR	14,475	939	64 87	79	UNION	39,417	1,672	42 42
30	WARREN	4,569	290	63 47	80	STOKES	11,148	465	41 71
31	CHATHAM	11,814	749	63 40	81	YADKIN	9,165	382	41.68
32	LEE	12,975	816	62 89	82	FRANKLIN	12,896	527	40 87
33	CUMBERLAND	85,694	5,373	62.70	83	MECKLENBURG	194,733	7,605	39 05
34	WAYNE	29,800	1,856	62.28	84	DARE	6,558	247	37 66
35	NORTHAMPTON	5,036	313	62.15	85	TYRRELL	858	32	37.30
36	GREENE	4,956	307	61.95	86	GUILFORD	107,032	3,787	35 38
37	ROWAN	33,633	2,072	61 61	87	ALEXANDER	8,564	294	34 33
38	WILKES	15,086	929	61.58	88	WATAUGA	7,012	215	30 66
39	IREDELL	34,117	2,057	60 29	89	WASHINGTON	3,266	98	30 01
40	TRANSYLVANIA	5,887	351	59 62	90	CHOWAN	3,392	101	29 78
41	DAVIDSON	36,513	2,160	59 16	91	PERQUIMANS	2,445	68	27 81
42	AVERY	3,349	197	58 82	92	BERTIE	4,721	125	26 48
43	JONES	2,469	144	58 32	93	SAMPSON	16,563	418	25 24
44	BLADEN	7,985	463	57.98	94	FORSYTH	78,291	1,894	24 19
45	MOORE	16,844	960	56.99	95	BRUNSWICK	16,465	378	22 96
46	WILSON	19,068	1,083	56 80	96	HOKE	11,340	259	22 84
47	MACON	6,134	346	56 41	97	HYDE	1,082	23	21 26
48	CLEVELAND	24,884	1,389	55.82	98	WAKE	180,502	3,366	18 65
49	SURRY	17,209	958	55.67	99	CAMDEN	1,677	30	17 89
50	HALIFAX	14,055	775	55 14	100	DAVIE	8,995	140	15.56
							2,066,675	107,157	51 85

*In North Carolina, 10 pilot counties were selected in August of 2002 to begin a demonstration project that would test out an alternative response to certain reports of neglect. This is called the "Multiple Response System" and allows for a "family assessment" in certain reports of neglect, rather than the traditional "forensic" investigative assessment. All 10 pilot counties continue to conduct the traditional investigative assessments in reports of abuse and some reports of neglect. Findings in investigative assessments continue to be either substantiated or unsubstantiated Findings in family assessments include findings of "services needed", "services recommended" or "services not recommended.

NOTE Data includes all reports for the 10 MRS pilot counties, regardless of the approach (Investigative Assessment or Family Assessment)

North Carolina county statistics for CPS Investigative Assessments based on county child population

Unduplicated counts of Children Substantited for Child Maltreatment - State Fiscal Year 2002-2003

Population Data From July 2003 Census Data Projections

This table provides a listing for all 100 North Carolina counties of number of unique children substantiated for maltreatment following an investigative assessment. "Unique children" is defined so that when the same child is the subject of more than one investigative assessment, he/she is counted only once. These counts are then compared to the total county child population to provide a ratio of children who are substantiated for maltreatment per total child population. A county Department of Social Service has the responsibility to make a determination when information gathered from an investigative assessment warrents a determination of child maltreatment.

RANK	COUNTY	# OF CHILDREN AGE 0-17	# OF CHILDREN Substantiated for Child Maltreatment	# OF CHILDREN Substantiated per 1,000 children in county	RANK	COUNTY	# OF CHILDREN AGE 0-17	# OF CHILDREN Substantiated for Child Maltreatment	# OF CHILDREN Substantiated per 1,000 children in county
1	RUTHERFORD	15,034	664	44.17	51	RICHMOND	11,870	185	15 59
2	MITCHELL	3,195	127	39 75	52	ROCKINGHAM	21,263	329	15 47
3	CHEROKEE	4,951	171	34.54	53	CASWELL	5,469	83	15 18
4	ONSLOW	40,044	1,364	34 06	54	CUMBERLAND	85,694	1,279	14 93
5	HAYWOOD	11,160	379	33 96	55	WILKES	15,086	225	14 91
6	NEW HANOVER	35,677	1,063	29 80	56	ROWAN	33,633	492	14 63
7	MADISON	4,297	127	29 56	57	GRANVILLE	12,042	175	14 53
8	YANCEY	3,826	112	29 27	58	COLUMBUS	13,726	199	14 50
9	GRAHAM	1,736	46	26.50	59	STANLY	14,695	211	14 36
10	SWAIN	3,192	82	25.69	60	BLADEN	7,985	112	14 03
11	MCDOWELL	9,952	254	25.52	61	YADKIN	9,165	126	13 75
12	DUPLIN	13,562	329	24 26	62	LINCOLN	16,578	223	13 45
13	LENOIR	14,475	351	24 25	63	WARREN	4,569	61	13 35
14	BEAUFORT	10,223	232	22 69	64	GREENE	4,956	65	13 12
15	CATAWBA	36,672	830	22.63	65	BRUNSWICK	16,465	213	12 94
16	IREDELL	34,117	765	22 42	66	ALLEGHANY	2,104	27	12 83
17	CARTERET	11,558	259	22 41	67	STOKES	11,148	139	12 47
18	DARE	6,558	144	21 96	68	HERTFORD	5,117	63	12.31
19	BURKE	21,969	481	21 89	69	MARTIN	6,155	70	11.37
20	CURRITUCK	4,736	103	21.75	70	JOHNSTON	36,171	410	11.34
21	ROBESON	36,440	789	21.65	71	HYDE	1,082	12	11 09
22	HARNETT	26,717	572	21 41	72	CABARRUS	37,140	405	10.90
23	CALDWELL	18,373	390	21 23	73	BERTIE	4,721	51	10 80
24	EDGECOMBE	14,144	300	21 21	74	RANDOLPH	34,173	367	10.74
25	BUNCOMBE	46,786	988	21 12	75	MACON	6,134	65	10 60
26	HALIFAX	14,055	288	20 49	76	NORTHAMPTON	5,036	53	10 52
27	WAYNE	29,800	608	20.40	77	ANSON	6,251	65	10 40
28	SURRY	17,209	342	19 87	78	SAMPSON	16,563	170	10.26
29	ASHE	4,804	95	19 78	79	FRANKLIN	12,896	131	10.16
30	CHATHAM	11,814	228	19 30	80	WASHINGTON	3,266	33	10 10
31	PAMLICO	2,514	48	19 09	81	PERSON	8,661	87	10 05
32	GASTON	47,179	890	18.86	82	UNION	39,417	387	9 82
33	VANCE	11,985	225	18.77	83	PERQUIMANS	2,445	24	9 82
34	JACKSON	6,513	120	18 42	84	GATES	2,644	25	9 46
35	PITT	32,982	598	18.13	85	MECKLENBURG	194,733	1,771	9 09
36	DAVIDSON	36,513	662	18 13	86	WATAUGA	7,012	63	8 98
37	SCOTLAND	9,837	177	17.99	87	TRANSYLVANIA	5,887	51	8 66
38	MONTGOMERY	6,763	121	17 89	88	TYRRELL	858	7	8 16
39	HENDERSON	19,535	345	17 66	89	LEE	12,975	104	8.02
40	WILSON	19,068	333	17 46	90	ALEXANDER	8,564	65	7.59
41	CLEVELAND	24,884	433	17 40	91	GUILFORD	107,032	794	7 42
42	PASQUOTANK	8,464	146	17 25	92	ALAMANCE	33,582	240	7 15
43	DURHAM	55,729	951	17.06	93	DAVIE	8,995	52	5 78
44	CRAVEN	22,395	376	16.79	94	NASH	22,554	127	5 63
45	JONES	2,469	41	16.61	95	WAKE	180,502	890	4 93
46	POLK	3,856	64	16 60	96	CLAY	1,556	7	4 50
47	ORANGE	25,521	420	16 46	97	CHOWAN	3,392	15	4 42
48	AVERY	3,349	55	16 42	98	FORSYTH	78,291	313	4 00
49	PENDER	9,929	158	15 91	99	HOKE	11,340	39	3 44
50	MOORE	16,844	265	15.73	100	CAMDEN	1,677	5	2 98
						NORTH CAROLINA	2,066,675	30,016	14 52

*In North Carolina, 10 pilot counties were selected in August of 2002 to begin a demonstration project that would test out an alternative response to certain reports of neglect. This is called the "Multiple Response System" and allows for a "family assessment" in certain reports of neglect, rather than the traditional "forensic" investigative assessment. All 10 pilot counties continue to conduct the traditional investigative assessments in reports of abuse and some reports of neglect. Findings in investigative assessments continue to be either substantiated or unsubstantiated. Findings in family assessments include findings of "services needed", "services recommended" or "services not recommended. The following data represent the children whose families were found to be "in need of services" in the 10 pilot counties following a family assessment.

Multiple Response Findings

RANK	COUNTY	# OF CHILDREN AGE 0-17	Found In Need Of Services	# OF CHILDREN In Need of Services per 1,000 children in county	RANK	COUNTY	# OF CHILDREN AGE 0-17	Found In Need Of Services	# OF CHILDREN In Need of Services per 1,000 children in county
1	ALAMANCE	33,582	203	6.04	6	BLADEN	7,985	23	2.88
2	NASH	22,554	109	4.83	7	BUNCOMBE	46,786	131	2.80
3	CRAVEN	22,395	98	4 38	8	GUILFORD	107,032	170	1.59
4	FRANKLIN	12,896	49	3.80	9	MECKLENBURG	194,733	275	1.41
5	CALDWELL	18,373	59	3 21	10	TRANSYLVANIA	5,887	4	0 68
							472,223	1,121.00	2 37

APPENDIX B
Prepared by the Office of State Personnel

NC OFFICE OF STATE PERSONNEL
February 2004

REPORT: CHILD WELFARE CRISIS COMPENSATION AND CLASSIFICATION STUDY

BASIS FOR COMPENSATION SURVEY AND STUDY

In the fall of 2003, there were a series of articles from two North Carolina news publications outlining the difficulties local departments of social services have to deal with in investigating and managing child protective service cases. As a result of these difficulties, children most vulnerable to abuse and neglect are at risk to fall through the cracks in the child welfare system that can lead to serious consequences including death. Programmatically, local departments of social services are responsible for investigating all reports of alleged child abuse and neglect. The newspaper articles identified many issues that create barriers to effectively track and manage child abuse and neglect cases. This report focuses on the human resources issues raised in the series of articles. The articles pointed out that a high level of turnover of social workers that perform child protective services functions could disrupt the constant monitoring and tracking of child protective services cases. In addition, extreme difficulties in the recruitment of qualified applicants to replace workers who have left only compound the problems associated with adequately staffing child abuse and neglect cases.

Since the articles appeared, the NC Office of State Personnel began to receive anecdotal information from directors of local departments of social services regarding high turnover and recruitment difficulties for Child Welfare Workers across the state. A letter was then sent from NC Department of Health and Human Services (DHHS) Secretary Carmen Hooker Odom to Governor Easley asking for his assistance and support in developing solutions to the problems. Since all local departments of social services employees are covered under State Personnel Act, the Office of State Personnel (OSP) has direct oversight for the classification of child welfare positions at the local level and some degree of oversight for salary ranges of these positions. Under the State Personnel Act, county governments have the authority to administer salary and pay policies independently once they have filed them with OSP. In concert with the Division of Social Services in the NC Department of Health and Human Services and the NC Association of County Directors of Social Services, OSP conducted a survey of certain human resources practices and issues affecting local child welfare positions. This survey was completed in order to obtain employment data related to the recruitment and retention of workers in these positions.

In addition, from the state classification perspective it appears that the child welfare workers engaged in the protective service functions needed to be reviewed for proper allocation in the classification system. There is evidence that increased state and federal mandates have

added a level complexity to the technical knowledge required of social workers in order to perform the work successfully. Child welfare social workers are required to go through 72 hours of pre-service training prior to being assigned a caseload. This is highlighted by the Child Welfare Collaborative effort where certain universities with accredited schools of social work have begun incorporating this pre-service training requirement into their curriculum. OSP conducted a factor analysis study to determine the appropriate classification level for positions that perform investigations and case management for at-risk children. The results of this factor analysis are discussed later in this report.

Study Methodology

The study employed the following course of action:

Compensation Survey of all 100 local DSS agencies

Factor Analysis Review of Child Welfare roles

Discussions with NC DHHS Division of Social Services Managers

Discussions with local DSS Directors

Classification comparisons of three counties that have established a specific social work classification that recognizes the investigation and case management role.

Summary of OSP Findings and Recommendations

Child Welfare Services Survey- 2003: Summary of Findings as of January 2, 2004

The survey questions were developed jointly between the OSP, the NC DHHS Division of Social Services (DSS) and the NC Association of County Director of Social Services (NCACDSS). The survey was administered and compiled by OSP and reviewed by the above parties. The compensation survey was focused on pay rates, turnover, recruitment and related pay benefits.

At the time of writing this report, there have been approximately 75 survey respondents out of a potential 100. From a statistical standpoint, the level of participation in the survey well exceeded expectations and increases that reliance of the data as a source by which to draw conclusions and recommendations. OSP continues to receive completed surveys at the time of publication of this report. While these surveys may not be in the data set, the responses are consistent with other responses and, therefore, will not alter the results as stated in any significant way.

The findings listed below confirm the anecdotal information with regard to significant difficulties on the recruitment and retention of qualified social worker into child welfare positions at the local level. Turnover in these positions is of major concern. The data suggests that the overall experience level of the work force in the child welfare program area is low, with 73 percent of the employees with less than five years of experience. This is in contrast to the classification and recruitment standards utilized for these positions at Social Worker III, which is considered to be the highest classification level for frontline social workers based years of experience and expertise. Therefore, one would expect to find the most seasoned social workers in this class performing these most difficult and complex cases. The data from the survey is in stark contrast to reality, where the level of experience is much less than what would be expected for child welfare investigative/assessments workers and case managers. Furthermore, high turnover leads to a vicious cycle where the most experienced workers suffer from burnout due to high caseloads and leave while being replaced with relatively inexperienced social workers.

Another issue to note is the variation in base pay from county to county. It appears that those counties that have pay rates above the statewide average tend to have fewer turnovers where the opposite is true for those counties that pay below the statewide average. Since under the statutes counties can manage salary ranges and pay policies at the local level, local policy makers should be attentive to where they are paying Child Welfare Workers in relation to their comparison counties. There may be some correlation between pay and length of time to fill a position with a fully qualified social worker. What tends to happen in low paying counties is that local DSS agencies are forced to fill child welfare positions with staff that do not meet the minimum experience requirements of the Social Worker III classification and train them until they become fully qualified. This process for training fully qualified social workers can potentially take up to three years. Once they are fully trained, they leave to perform the same work in other counties with higher pay. Thus, some counties feel that they are simply the training ground for Child Welfare Workers.

Presented below is a summation of the data that was submitted through the compensation survey.

Turnover

- Statewide Vacancy Rate: 31 percent
- Turnover rates are the highest in Case Management and Investigations

Average Length of Time to Fill SW III Positions

Average Days	*Local DSS Agency*
21-30	9
31-40	9
41-50	7
51-60	16
61-70	5

71-80	5
81-90	7
91 or more	10

Based on the number of agencies responding to the survey, 36 percent of the agencies reported that it takes at least 71 days or more to fill a SW III position. In addition, once employees are hired into child welfare services positions, they then need to complete a 72- hour pre-services training in child welfare services training before they are allowed to assume a caseload. Many of the positions are not filled with fully qualified Social Workers III, but trainees or work against. A Social Work Trainee is an applicant with only a four-year college degree and no experience. A work against is an applicant who qualifies as a Social Worker I or II, but not a Social Worker III so the employee works against the Social Worker III until they meet the prerequisite years of needed experience to fully qualify.

Years of Service Totals

Social Worker IIIs

More than 25 years of service	22
21-25 years of service	17
16-20 years of service	38
11-15 years of service	86
6-10 years of services	210
2-5 years of service	512
1-2 years of service	211
0-1 year of service	277

Of the total length of service reported, 73 percent of this population of the child welfare services workforce has less than 5 years of experience.

Exit Interviews

63 of the 75 respondents reported that they conducted exit interviews.

Reasons Given for Leaving/Resigning/Dismissal (ranked order high to low)

Better Paying Job	48
Work Stress	44
Changing Occupations	40
Self/Spouse Moving	36
Personal Reasons	33
Family Reasons	29
Dismissed	27
Continuing Education	22
Working Conditions	22

Pregnancy	14
Retirement	12
Other	11
Health	10
Military Service	3
Workers' Compensation	1
Disability	1

Average Salaries Paid to Child Welfare Social Worker IIIs

High:	New Hanover	$47,489
Low:	Graham	$27,000

Statewide Aggregate Average: *$33,924

*Aggregate average is a combination of all Child Welfare Social Worker IIIs.

Additional Support to Child Welfare Social Workers

Item	Number of Counties
Supplemental Health Insurance	25
County Car	46
Cell Phone	62
Pager	46
Lap Top	33
Support Staff	54

Selected Suggested Incentives and Proposals by Respondents

1.) Better Pay
2.) Higher classification level
3.) Statewide equalization of salaries
4.) State administered bonus program
5.) Lower caseload standards
6.) Increase staff
7.) Incentive pay

Difficulty in finding qualified candidates?

57 out of 75 respondents reported they have difficulty in recruiting highly qualified candidates.

Recommendations:

1.) For local DSS agencies with significant turnover rates that result in an agency exceeding investigative/assessment and case staffing ratios, review salary ranges and actual pay compared to statewide aggregate average. Range revisions and salary adjustments are recommended to reduce turnover rates and improve recruitment.
2.) Counties should consider a retention bonus program for Child Welfare Workers in order to retain expertise and increase longevity in investigative/assessment and case management roles.
3.) Counties should consider additional support staff and/or equipment to increase effectiveness.
4.) In lieu of pay increases or retention bonuses, counties should consider a pay differential for Child Welfare Workers that can be funded out of lapsed salaries and is not tied into base salary. A pay differential can range anywhere from 10 to 15 percent depending of the severity of turnover rates.
5.) Higher classification level for Child Welfare Workers (See next section).
6.) Expand Child Welfare Collaborative.

CLASSIFICATION

The recommendation to establish a new social work classification is premised on the severe recruitment and retention issues that have plagued child welfare services for years. As documented in the study, the turnover and retention problems have become so acute as to seriously compromise the safety and well being of the most vulnerable children. In addition, a factor analysis was completed that supports that the child welfare roles of investigation/assessment and treatment are the most complex and difficult in the social work classification series at the local level.

The Compensation Survey results confirm labor market difficulties in the recruitment and retention of employees in these roles. While not all local DSS departments reported such difficulties, the overwhelming majority have significant recruitment and retention difficulties that support a higher level classification as one remedy. Guilford, Orange and Wake counties have established classification concepts that recognize the social work functions in question as the most complex.

County	Classification Title	Salary Range
Orange	*Child Protective Services Social Worker*	*$40,082 - 64,077*
Guilford	*Social Worker- Protective Services*	*$37,444- 63,655*
Wake	*Human Services Sr. Practitioner*	*$33,321- 55,427*
NC State Government Social Worker III		*$29,354- 45,515*

Recommendation: Establish a new classification concept (Attachment 1) Social Worker-Investigative/Assessment and Treatment at salary grade 70.

In addition, the minimum standard of supervisory ratio for the Social Work Supervisor III classification is 1 supervisor for every 5 social workers. Therefore, the medium to small

counties are disadvantaged because the DSS Director or DSS Program Administrator must take on the supervisory lead and back-up functions for child welfare services in a county. The Director and/or DSS Program Administrators already have a full time role in addition to the child welfare functions and must also have completed the 72- hour pre-service training. The consensus among DSS and County DSS Directors is that the ratio should be 1 to 3 for the first three social workers supervised then go to 1 to 5 for the remainder of staff. The increase level of supervision will assist greatly in the management of a generally inexperienced workforce and decrease the risk of serious child neglect or abuse situations across the state. In addition, it will allow a greater opportunity for career progression for child welfare investigators and case managers.

NC Office of State Personnel On-Going Assistance

There is delineation in the delivery of human resources services to local DSS agencies between the state and counties with regards to classification of positions and pay administration. The classification of positions is inherently the responsibility of the OSP and the administration of local pay policies rests with county management. Since several recommendations that are discussed in this report deal with other pay options such as retention bonuses and differential pay, the OSP is available and committed to provide assistance to any county in the development of pay enhancement policies and procedures. While the implementation of pay enhancement policies are at the discretion of local Boards of County Commissioners, the OSP encourages counties with recruitment and retention difficulties for Child Welfare Social Workers to consider contemporary human resources pay alternatives as possible solution. Since pay differentials and retention bonuses can generally be funded through lapsed salaries, this could be a viable means of funding and not expand the overall salary line items in a county budget.

Potential Follow-up Action

The Child Welfare Compensation and Classification Study provided good and relevant information regarding the general employment situation of Social Worker IIIs in the Child Welfare programs across the state. The meaningful information has allowed the OSP to take some positive steps in assisting with resolution of the very difficult recruitment and retention problems that currently exists in the employment of qualified Child Welfare Social Workers at the local level. However, the survey data suggests that there are underlying employment issues that need further study and analysis. For instance, the reasons employees provided for leaving child welfare positions suggests a high level of job burnout and stress. Certainly, there are underlying and root causes that could be further studied. An employee survey could be conducted to assess the attitudes, concerns and perceptions of the current child welfare workforce to understand what are triggers that cause turnover. Perhaps, the employee survey could also consider what employment factors could increase retention rates in these positions. Any comprehensive follow up to the initial survey data that has been gathered will require a strong commitment to time, collaboration and resources (financial and personnel) to fully understand the total employment picture of local child welfare social workers in North Carolina.

APPENDIX C
Prepared by Janet Mason, Institute of Government

February 12, 2004

Penalties for False Reports of Child Abuse, Neglect, or Dependency

North Carolina is one of very few states that have no statutory penalty for either failing to make required reports or deliberately making false reports of suspected child abuse, neglect, or dependency.

North Carolina law, G.S. 7B-309, provides immunity "from any civil or criminal liability that might otherwise be incurred or imposed" for people who make reports (as well as for people who testify in related court proceedings or participate in related programs). The immunity applies, however, only when a person acts "in good faith." In any court proceeding there is a presumption that the person acted in good faith.

That wording suggests that civil or criminal liability might be incurred by or imposed on someone who makes a report in bad faith, knowing the report to be false. No North Carolina statute specifically addresses liability for such conduct, however, so any legal action against someone who reports in bad faith must be brought under other more generic statutes or the common law.

In a civil action against a North Carolina school principal who reported suspected abuse the plaintiff alleged (1) malicious prosecution, (2) defamation, (3) intentional infliction of emotional distress, and (4) negligence. *Davis v. Durham City Schools*, 91 N.C. App. 520, 372 S.E.2d 318 (1988). In an action against a store and the store employee who made a report to social services a parent alleged slander *per se* and intentional infliction of emotional distress. *Dobson v. Harris*, 352 N.C. 77, 530 S.E.2d 829 (2000). Plaintiffs in both cases were unsuccessful, on the basis that they failed to present evidence sufficient to overcome the statutory presumption that the person making the report had done so in good faith.

In *Dobson v. Harris* the North Carolina Supreme Court stated that false accusations of child abuse are slander *per se*, but that a plaintiff, to overcome the statutory presumption of good faith, has the burden of proving "actual malice" on the part of the person who made the report. Actual malice, the court said, "may be proven by evidence of ill-will or personal hostility on the part of the declarant or by a showing that the declarant published the defamatory statement with knowledge that it was false, with reckless disregard for the truth or with a high degree of awareness of its probable falsity."

Thus, North Carolina courts have acknowledged that civil causes of action may exist against people who report falsely. Because of the state's strong policy of encouraging people to report when they should, however, a plaintiff in that kind of civil case has the burden of overcoming the good-faith presumption. In seeking relief in a civil action a person who thinks he or she is the subject of a maliciously false report also may have practical problems such as (1) learning the identity of the person who made the report, which departments of social services are required to

keep confidential; (2) obtaining legal services to undertake civil litigation; and (3) even if successful in overcoming the presumption of good faith, proving damages sufficient to make the litigation worthwhile.

There are no reported cases in North Carolina relating to criminal prosecution for falsely reporting to social services suspected child abuse, neglect, or dependency, and it is not at all clear that such conduct constitutes a crime under North Carolina law. (A statute, G.S. 14-225, does create a Class 2 misdemeanor of making a false, misleading, or unfounded report of any kind to a law enforcement officer or agency for certain prohibited purposes.)

According to a report from the National Clearinghouse on Child Abuse and Neglect Information (current through July 2003),

> [a]pproximately 31 States and Puerto Rico and the Virgin Islands have statutes specifying penalties for false reports of child abuse or neglect. The most common standards are 'knowingly' and/or 'willfully.' The penalties imposed are similar to those for failure to report. The majority of States classify false reporting as a misdemeanor. In nine States, however, a false report may be classified as a felony under specific circumstances.

The report outlines each state's statutory response to false reporting as well as the kind and amount of any civil and/or criminal penalties, which vary greatly from state to state. The full report is available at http://nccanch.acf.hhs.gov/general/legal/statutes/sag/report.pdf.

Those with obvious interest in any change in this aspect of North Carolina law and the policy any such change should reflect include county social services personnel, including agency attorneys; prosecutors; judges; and various advocacy groups.

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Failure to Report Abuse, Neglect, or Dependency

Current N.C. Law

- Universal reporting requirement. The duty to report applies to everyone.
- No statutory civil or criminal penalty for failing to report.
- Very small potential for criminal prosecution under old common law theory.
- Potential for civil liability if a failure to report results in harm to the child.

Other States: Criminal Penalties

- In many states the duty to report – and therefore any criminal penalty for failing to report – applies only to specified groups of people.
- In most states the failure to make a required report of abuse or neglect is a misdemeanor.
- In a few states the offense is a felony if the person has a prior conviction.

Other States: Civil Remedies

- A few states have statutes that provide specifically for the recovery of civil damages when a child is harmed as the result of someone's failure to report.
- As in North Carolina, even without a statutory provision, the potential for civil liability probably exists in all states if the failure to report results in harm to the child.
- In states that do not have a universal reporting requirement, civil actions are likely only against mandated reporters.

Other States: Other

- In one state (CT), a person who fails to report may be fined and required to attend a training program.
- One state (IL) that has criminal penalties also requires referrals to the professional boards of certain professionals who fail to report.

False Reports of Abuse, Neglect, or Dependency

Current N.C. Law

- No statutory civil or criminal penalty for making false reports.
- Potential for civil liability under common law. Because N.C. law creates a presumption that all reports are made in good faith, a plaintiff has the burden of overcoming that presumption and proving malice.

Other States: Criminal Penalties

- About half of the states have statutory criminal penalties for making false reports if the reports are made knowingly, willingly, maliciously, or as otherwise qualified by the statute.
- The offense generally is a misdemeanor; in some states it becomes a felony if there is a prior conviction.
- No state imposes a penalty just for making a "false" report.

Other States: Civil Remedies

- About ten states have statutes that provide specifically for civil actions against people who make malicious reports. (In some cases recovery can include attorneys' fees and cost.)
- As in North Carolina, even without a statutory provision, there probably is some potential for civil liability.

Other States: Other

- One state (OK) imposes a fine of up to $5,000 if the malicious report is made during a child custody proceeding.
- In one state (TN) malicious reporting is a felony, but the offense applies only to reports of sexual abuse.

"Any person or institution who has cause to suspect that any juvenile is abused, neglect, or dependent, as defined by G.S. 7B-101, or has died as the result of maltreatment, shall report the case of that juvenile to the director of the department of social services . . . ." G.S. 7B-301.

What is meant by a "false" report? Definitions of and synonyms for "false" include:

wrong, bogus, concocted, cooked-up, deceitful, dishonest, distorted, erroneous, fallacious, fictitious, fraudulent, improper, inaccurate, incorrect, inexact, lying, mendacious, misleading, misrepresentative, mistaken, specious, spurious, trumped up, unfounded, untrue, untrustworthy.

What modifiers should apply?

- Knowingly
- Willfully
- Intentionally
- Intentionally and in bad faith or maliciously; knowingly
- Maliciously
- Deliberately
- Knowingly or willfully
- Knowingly and willfully
- Knowingly and willingly
- Knowingly or intentionally
- Purposely or knowingly
- Willfully and deliberately
- Knew or should have known
- Knows or reasonably should know
- Knows or has reason to believe
- Knowingly, with malice
- Knowingly and intentionally
- Knowingly and intentionally, with malice
- Knowingly and maliciously
- Negligently
- Knows or reasonably suspects
- Knowingly or recklessly
- Reckless disregard of truth
- Knowingly; in bad faith or with malice

			Reasonable	
Malice	**Bad Faith**	**Negligence**	**Cause to Suspect**	**Certainty; Actual Knowledge**
			Good Faith	

APPENDIX D
Presented by Lanier Cansler, Department of Health and Human Services

North Carolina Department of Health and Human Services
Benefits of NC FAST
March 2004

NC FAST provides streamlined assessment, eligibility, and work flow management tools that will minimize future county staff labor costs, expand the family case data available, and increase the staff time available to work with families and make decisions to improve child welfare and safety.

Additional benefits of NC FAST are listed below.

- The family unit will be the focus of service delivery.
- Comprehensive, accurate, and timely information will be shared statewide and across program areas.
- Case Management tools will provide child welfare practitioners with the information they need to manage case loads better and make decisions that improve child welfare and reduce child fatalities.
- The automated Case Management tools will reduce the time child welfare practitioners spend on administrative functions.

The program areas included in the scope of NC FAST cover services that impact child welfare. These program areas are:

- Work First
- Food Stamps
- Medicaid
- NC Health Choice for Children
- Child Support Enforcement
- Child Care
- Child Welfare Services
- Adult and Family Services

With the recent developments in the area of Child Welfare, the Department has requested that the Division of Social Services and the Division of Information and Resource Management expedite their review of Case Management systems that could provide potential solutions to this Child Welfare crisis and a solid starting point for the NC FAST project. The evaluation process will be completed in April 2004.

NC FAST Benefits to Child Welfare Services

NC FAST will automate administrative functions for child welfare services by providing a user friendly, web-based method of entering case information. Benefits include availability of comprehensive data, improved communications, case worker time savings, and outcome measures.

Comprehensive Information

- NC FAST will provide immediate access to comprehensive, statewide Child Welfare program data such as child abuse protective services reports and foster care/adoption information. Case Management functionality for child welfare services will give counties information needed across both program and county lines.

- NC FAST will collect and maintain information at the family level, which will result in a more complete view of the situation.

- NC FAST will provide counties with quick on-line access to a family's information when the family moves from one location to another within the State. The State and counties will be able to track families throughout the system regardless of where the family lived last and in which program(s) they participated. This is particularly valuable to Child Welfare / Protective Services workers, who will be able to access immediately this information when the family contacts their office.

- NC FAST will provide ready access to historical information including where the child has lived, who the caretakers have been, other agency involvement, and prior reports of child protective services as well as other program history.

Improved Communications

- NC FAST will implement a single automated system that will enhance communication within an agency and between agencies regarding families. Recent media stories regarding child fatalities cite poor or lack of communication between agencies as a contributing factor. The ability to track children and families across county boundaries and to communicate findings and risk assessments to different agencies can prevent tragedies for children, the elderly, and their families.

- NC FAST will also serve as an effective fraud and abuse prevention tool since information that is entered or later revised by any program will be available to all program areas. Current manual methods (i.e., pen and paper) of determining eligibility and sharing information between program areas cost the county, State, and federal government dollars in ineligible or incorrect benefit amounts and result in incorrect decisions for families.

Time Savings

- A new system will result in time savings since work flow will be streamlined and duplicate and redundant data entry for each incident or contact will be eliminated.
- Case workers will be able to spend more time providing services and support to families.

Outcome Measurements

- NC FAST will assist in determining the effectiveness and efficiency of service delivery and determining whether the intended results for the client were realized.
- The comprehensive information available in NC FAST will facilitate quicker and easier agency response to legislative inquiries about programs and resources.
- NC FAST will provide the State with access to real time information for the performance indicators that must be tracked in the various programs.

NC FAST Case Management Benefits

NC FAST contains many elements considered Case Management functions. These functions will help county case workers and supervisors manage their work more efficiently and completely. The NC FAST scope includes several program areas that impact Child Welfare such as Medicaid, Work First, Food Stamps, and NC Health Choice for Children. The NC FAST Case Management functions have been organized and prioritized, though the project will remain flexible to deliver functions by program as needed by the counties and/or the State.

The Case Management functions to be provided by NC FAST are listed below.

- **Needs Assessment** - This function will provide automated self-evaluation of program eligibility and enable case workers to prescreen applicants and document the client's needs and potential eligibility for benefits and services.
- **Shared Screening Data** – This function will provide an on-line, cross-program application, which captures data elements common to all the programs in scope for NC FAST. The shared screening data eliminates the need for clients and case workers to enter the same demographic data in multiple applications. Plus, data concerning client households and relationships will be created.
- **Eligibility Rules** – This function will automate the addition/updating of programs, including services/benefits associated with programs and detailed program eligibility rules.
- **Eligibility Determination** – This function will provide automated eligibility resolution and benefits/deductible calculations.
- **Program Supplement Applications** – This function will provide on-line, program-specific applications of data elements not shared across programs. For each new program applied for by a client, a new file will be added to the client's case folder.
- **Communications/Contact Management** – This function will capture individuals' contacts with case workers at any point in the human services process. NC FAST will capture client and non-client communications and will provide case workers with correspondence templates and managed intake logs.

- **Service Plan Management** – This function will record all case-related activities and status and will provide service plan templates, calendar events, referrals, narratives, and reviews of closed cases.
- **Service-Benefits Interface** – This function will retrieve and update data from benefits and service delivery systems such as the Eligibility Information System (EIS) and the Food Stamps Information System (FSIS). Users will be able to access benefits and service status from existing legacy systems, as well as track benefits delivery and services provided by these legacy systems.
- **Case Load Management** – This function will provide case worker supervisors with the ability to manage caseloads across a team of workers.
- **Provider Management** – This function will enable the entry and update of provider information for which NC FAST is the system of record. It also associates providers to specific program benefits and services. In addition, the eligibility rules that enable providers to participate in each program will be captured.
- **Additional Communications Methods** – This function will provide additional communication to NC FAST such as a service portal and public kiosks. As a result, citizens will gain limited access to assessment and eligibility tools.

NC FAST Projects in Development

Two priority projects, Online Verification and Service Delivery Interface, are in progress now which will provide more immediate functionality to some county workers:

Online Verification

- A web-based Online Verification system for use by county workers of the Work First, Medicaid, NCHC, Food Stamp, Child Care, and Child Support Enforcement programs.
- The Online Verification system will eliminate the need for workers to log into multiple systems for client data verification.
- The pilot for the Online Verification system will start in July 2004.
- The Online Verification function will be reused for NC FAST Case Management.

Service Delivery Interface

- The Service Delivery Interface will provide an interface engine for county case management systems to eliminate dual data entry for TANF, Medicaid, Food Stamps, and Child Care Subsidies.
- The Service Delivery Interface pilot will start in September 2004.
- The Service Delivery Interface function will be integrated with the NC FAST Case Management.

APPENDIX E
Prepared by Keith Davis, Division of Social Services

County	SFY2003	SFY2003	SFY2003	SFY2003	SFY2003	SFY2003
	Reasons for Unsubstantiation	Malicious reports determined at intake	Malicious reports determined during investigation	How many resulted in the family accepting voluntary services	Total # Of Reports	Total # Of Unsubstantiated Reports
ALAMANCE	1) No evidence found to confirm the allegations.2) The family was referred to community srvs, accessed these srvs, and there was no need for further CPS intervention.3)Report was one-time incident and family had taken steps to address situation.	1	22	0	1001	810
ALEXANDER	1)Facts did not rise to statutory level of abuse.2)During invs it became clear that the report was malicious.3)Alleged perp was determined not to be in caretaking role	5	15	0	185	141
ALLEGHANY	1)Majority of unsubstantiated reports due to facts not rising to the statutory level of abuse or neglect. 2)Some cases were also due to malicious reporting.	12	7	0	60	49
ANSON	Most unsubstantiated reports did not rise to the statutory level of abuse or neglect.	0	3	0	145	116
ASHE	1)Not enough evidence.2)Services offered lowered risk.3)Facts did not meet statutory definition of abuse or neglect.	0	0	0	175	110
AVERY	Several did not rise to the statutory level of abuse or neglect and some became clear it was a malicious report.	5 to 10	14	2	148	115
BEAUFORT	1)Not enough evidence to support the allegations.2)Conflicting statements between the parents and children.3)Professional collaterals could not provide sufficient evidence of maltreatment.4) Issues were more custody vs abuse/neglect.	35	50	15	535	367
BERTIE	1)Reports involved erroneous allegations or maltreatment did not rise to the level of neglect/abuse.2)Situation resloved prior to CPS intervention, thus no need for srvs.	4	5	0	68	36
BLADEN	1) All examples given by the state division. 2) In addition, reports that lack evidence; reports called in because of child custody battles; rataliation cases; misunderstanding of reporter; and some professionals (e.g. schools) wanting DSS to become a gate keeper.	0	unknown	0	267	199
BRUNSWICK	1) Report untrue.2)Problem was corrected.3)Child no longer in at risk situation.4)Parents received services that resolved situation.	undetermined	" "	0	307	90

County	Reasons for Unsubstantiation	Malicious reports determined at intake	Malicious reports determined during investigation	How many resulted in the family accepting voluntary services	Total # Of Reports	Total # Of Unsubstantiated Reports
BUNCOMBE	There is not evidence that meets the statutory definition of abuse, neglect and/or dependency. Note: Buncombe reports that they have no data that any reports were unsubstantiated based on the report being malicious. Also, one program manager stated that during her 15 year experience in CPS, only one report was considered malicious, by law enforcement.	0	0	0	2693	2,003
BURKE	The facts as determined during the invs did not appear to rise to the level of abuse or neglect.	0	13	0	1112	796
CABARRUS	1)No safety or risk factors to the children.2)Did not meet the law for CAN or dependency.3)Issues resolved through mediation or parental court custody issue.4)Other appropriate resources were suggested to family. Note: Cabarrus reported that they rarely have malicious reports, however about 15% of their CPS investigations could be terminated prior to the completion of all steps currently in policy. Families involved in child custody disputes report on the basis that they truly believe the child is in an unsafe environment, however this may not meet the standard set forth in law and policy.	0	"rarely have"	N/A	1147	892
CALDWELL	1)No clear evidence of abuse,negelct or dependency.2)Some were obvious malicious reports but very few.3)Isolated incident.4)Reasonable explanation.5)Issues resolved during assessment.	0	15	0	938	690
CAMDEN	1)Minimum standards of care being met. 2) Different values and judgement among reporters that call in to DSS.3)Acts committed did not meet abuse or neglect definition. 4) Other services and/or referrals needed.5)Malicious reporting and family conflict.	4	4	0	23	19
CARTERET	The investigator is unable to find evidence to support allegations. The children and parents give conflicting information during the investigative process. No physical findings at the Chilld Medical Exam. No disclosures at the Child Mental Health Eval. There were issues with parenting that does not constitute abuse, neglect or dependency.	5%	10%	0	583	400
CASWELL	1)The invs clearly showed the parents were feuding due to custody issues.2)No evidence to support the allegations.3)The evidence found did not warrant a substantiation.	0	10%	1-2%	182	122

County	SFY2003	SFY2003	SFY2003	SFY2003	SFY2003	SFY2003
	Reasons for Unsubstantiation	Malicious reports determined at intake	Malicious reports determined during investigation	How many resulted in the family accepting voluntary services	Total # Of Reports	Total # Of Unsubstantiated Reports
CATAWBA	1)Unable to establish that the allegations rose to the statutory level of abuse and neglect.2)Risk to the child was low and risk factors mitigated by services and available resources.3)There was a possiblity that the report was malicious.	0	6%	0	1597	1,098
CHATHAM	1)The family was referred for srvs during the assessment period and any risk factors were mitigated by services.2)The facts, as determined during the assessment process did not rise to the statutory level of abuse or neglect.	"hardly any"	"small #"	0	484	377
CHEROKEE	1)Family referred for services or services provided.2)Family could not be located.3)Report had misleading info and identified the wrong family.4)The facts did not rise to the statutory level of abuse or neglect during the assessment process.	0	13	0	363	175
CHOWAN	1)Facts did not rise to the statutory level of abuse/neglect.2)Reporters having a higher standard of care, more than minimum.3)Services put in place to mitigate risk factors.	0	0	0	50	42
CLAY	1)Family referred for srvs during assessment period and any risk factors have been mitigated by srvs.2) The facts did not rise to the statutory level of abuse or neglect during the investigative process.	0	0	0	46	42
CLEVELAND	1)families corrected problems themselves.2)Facts of case did not rise to statutory level of abuse, neglect, or dependency.3)Families referred for services reducing any safety concerns.	7	0	0	976	646
COLUMBUS	1) Children, family and collaterals deny all allegations.2)No evidence to verify allegations to be true.3)Family,collaterals and SW verify children needs to be adequately met and no risk of harm present.4)Poverty issues and not neglect.5)Custody conflicts and not neglect.6)Children with undiscipline and delinquent problems.	Rarely"	20%	0	521	374
CRAVEN	1)Isolated incident and parents have sought help.2)Unable to confirm allegations.3)All reasons stated by the division.	0	unknown	n/a	982	722
CUMBERLAND	Most of the reports unsubstantiated fall in the category of the allegations not meeting the statutory basis for neglect and/or abuse. Some are unsubstantiated for other reasons.	15%	20%	0	2958	2,235
CURRITUCK	The facts as determined in the investigative process did not rise to the statutory level of abuse or neglect.	0	6	0	257	181

	Reasons for Unsubstantiation	Malicious reports determined at intake	Malicious reports determined during investigation	How many resulted in the family accepting voluntary services	Total # Of Reports	Total # Of Unsubstantiated Reports
DARE	1)Reports did not rise to the statutory level of abuse or neglect.2)Reports determined as malicious were generally child custody issues or acquaintances that were angry at each other for various reasons.	12	14	2	157	66
DAVIDSON	1)Did not rise to statutory level of abuse/neglect.2)Services already in place and maltreatment no longer occuring.3)Family relocated and could not be located, not enough info to sub.4)Could not verify allegations.5)Malicious reports, e.g. child custody, neighborhood squabbles, and teens angry with their parents.)	20%	30%	<5%	1475	1,033
DAVIE	1)Unintentionaly not factual.2)Services offered during the assessment phase.3)Did not rise to the statutory definition of abuse or neglect.4)Custody dispute.5)Malicious reports	10	12	0	75	39
DUPLIN	1)Unable to prove allegations.2)Children denying allegations.3)family corrected situation.4)Contacts would not confirm allegations.5)Reporter did not obtain full info from child at initial report.	0	7	0	320	142
DURHAM	1)The situation did not rise to the level of conformance with the statutory definitions of child maltreatment.2)The results of the safety, risk and strengths/needs assessment did not justify a substantiation.	suspect 5-10%	240 annually ?	Unknown -low ?	1388	908
EDGECOMBE	1)Discipline-Isolated incident of discipline without severity or frequency.2)Drug use-No evidence found to support drug use.3)Srvs provided to family at onset of assessment alleviated the crisis or need for intervention.4)facts did not rise to the statutory level.	9	30	0	656	457
FORSYTH	1) Reasons given by State Division as examples.2) Family moving out of county.3)Custody cases.	10%	20%	1-2%	1393	1,148
FRANKLIN	1) Cases not rising to the standard set for abuse and neglect.2)The provision of services that reduced the risk of harm.	4	12	0	289	212
GASTON	The facts verified do not meet the statutory definition of abuse or neglect.	unknown	unknown	Unknown	1968	1,382
GATES	Examples given by the division	0	0	n/a	82	56
GRAHAM	1)Facts as determined during the assessment process did not rise to the statutory level of abuse or neglect.2)During the course of the investigative assessment, it became clear that a malicious report was made.	0	2	0	103	63

County	SFY2003 Reasons for Unsubstantiation	SFY2003 Malicious reports determined at intake	SFY2003 Malicious reports determined during investigation	SFY2003 How many resulted in the family accepting voluntary services	SFY2003 Total # Of Reports	SFY2003 Total # Of Unsubstantiated Reports
GRANVILLE	Most unsubstantiated assessments were due to insufficient evidence found to substantiate. Conditions did not rise to the level for abuse or neglect. During the assessment process, families are referred for needed services, therefore the conditions that originally reported may longer be present. A significant # of reports include information later found to be untrue, and most likely have been made maliciously.	15%	20 - 25%	0	389	249
GREENE	All examples given by the state division	0	4	0	147	117
GUILFORD	1)Allegations were one time incidents and there were no further safety issues.2)Plans made by the family prior to the report were unknown by the reporter.3)Family receiving services prior to CPS involvement or family referred to services during assessment period and risk factors were mitigated by services.4)Assessment phase revealed that allegations did not rise to level of statutory definition.5)Malicious reports that involve custody or angry relatives.	204(12X17)	228 (12X19)	36(12X3)	2168	1,625
HALIFAX	Many reports are because of custody battles. The agency spends quite a bit of resources investigating these reports that turn out to be malicious.The agency suspects that 50% of their unsubstantiated reports are malicious.	????	50%	???????	484	353
Harnett	1)Facts did not rise to the statutory level of abuse of neglect.2)Services extended that alleviated risk factors so that a substantiation was not made.3) A very small number related to child custody situations or disputes between neighbors.	8	7	2	821	470
HAYWOOD	1) Lack of evidence to substantiate.2) Services provided.	1 or 2	13 (3 months)	0	1132	803
HENDERSON	All examples given by the state division.	<1%	<1%	0	1050	839
HERTFORD	Reports did not rise to the statutory level of abuse or neglect.	2 of 21	2	0	129	96
HOKE	Did not answer question. Apparently in agreement with the division and examples used.	0	2	0	216	146
HYDE	Some reports did not consist of enough information. Other unsubstantiated reports involved the same reporter calling back again and again and nothing could be proven. Many of the reports recived involved custody issues. Some reports that were unsubstantiated dealt with school attendance.	2 of 5	2 of 5	0	20	12

	Reasons for Unsubstantiation	Malicious reports determined at intake	Malicious reports determined during investigation	How many resulted in the family accepting voluntary services	Total # Of Reports	Total # Of Unsubstantiated Reports
IREDELL	1)Parent receptive of srvs offered during invs, child no longer at risk.2)Family moved.3)Custody issues and undisciplined teens.4)Allegations not rising to standard or insufficient evidence.5)Non caretaker/child not involved in incident.6)Situation not as bad as reported or inconsistencies found.	0	28	0	1278	786
JACKSON	1)No risk factors.2)Low Risk factors.3)Did not meet statutory level of abuse/neglect.4)Services provided or arranged during the invs were sufficient to to address issues, continued srvs not needed.	2.80%	9%	0	335	271
JOHNSTON	Johnston Co reports that they conducted 1261 CPS Investigations in SFY 03. Of that #, 878 were unsubstantiated. After a careful review of these unsubstantiated cases that covered several days, Johnston Co determined that 877 reports were unsubstantiated strictly because of the facts, as determined during their assessment process, did not rise to the statutory level of abuse or neglect. Only one report was factually determined as a malicious report.	0	1	0	1239	858
JONES	1)Not enough evidence to substantiate.2)Cooperative families that accepted help, services mitigated the need for on-going CPS.3)Only one report found to be malicious.	0	1	0	80	58
Lee	1)No evidence to support allegations.2)Appears to be spite report.3)Situation not fit within the definitions of A/N/D.	48	10%	0	400	339
LENOIR	1)Child statements and observations of SW did not support allegations.2)One-time incident. Inconclusive statements/lack of evidence. 3)Examples given by the division.	0	0	0	553	376
LINCOLN	1) Reporter not having all the facts.2)A determination that moral beliefs and not CPS issues were relevent.3)Custody cases.4)Examples given by the division.	unknown	3% - 5%	unknown	570	420
MACON	1)Services offered that remedied the concerns immediately 2)Evidence was not present to rise to the statutory level of abuse or neglect.3)Custody dispute that was referred to civil court.	5	15	0	248	207
MADISON	The facts as determined in the process did not rise to the statutory level of abuse or neglect.	10(2.5%	35(8.75%)	UNK	298	225
MARTIN	Did not rise to the statutory level of abuse or neglect.	very small#	very low	n/a	124	84

County	SFY2003	SFY2003	SFY2003	SFY2003	SFY2003	SFY2003
	Reasons for Unsubstantiation	Malicious reports determined at intake	Malicious reports determined during investigation	How many resulted in the family accepting voluntary services	Total # Of Reports	Total # Of Unsubstantiated Reports
MCDOWELL	1)Insufficient facts to support allegations.2)Different standards of care, community compared to DSS.	0	7	0	770	582
MECKLENBURG	Approximately 66% of reports unsubstantiated. There were many reasons for these unsubstantiated cases---They range from the allegations not being corroborated, families moving out of county, etc. No reports are unsubstantiated based on a determination of a malicious report. Since there is no way to determinethe intent of the caller at the point of intake, the referral. Note: Agency unable to determine at the point of Intake what is malicious or not, no way to be 100% sure that the allegations made are untrue.	unknown	unknown	unknown	4930	3783
MITCHELL	The allegations and facts around those allegations did not rise to the statutory level of abuse or neglect.	2	1	0	228	158
MONTGOMERY	1)There were no facts found during the course of the investigation to support the allegations.2)The facts that were found did not rise to the statutory level of abuse or neglect.	0	20	0	200	122
MOORE	1) Did not meet statutory level of abuse or neglect.2)Risk factors were mitigated by services provided during the investigation.3)Malicious reporting.	15	20	0	574	412
NASH	Majority of cases that were unsubstantiated or not found in need of services did not rise rise to the statutory level of abuse or neglect. Other reasons were a)services provided by the investigator/assessor in the assessment period; b)Family addressed issues themselves during the assessment period; c) family needed services other than CPS and were referred for these services during the assessment period; and d) it became clear that the report was made maticiously.	2	20	0	691	594
NEW HANOVER	1)The facts as determined during the the assessment process did not rise to the statutory level of abuse or neglect.2)Family receptive to services and services identified and provided.Needs did not warrant continued services.	0	0	0	2342	1666
NORTHAMPTON	1)Allegations did not rise to the stattory level of abuse or neglect.2)Miscommunication between the family and reporter.3)Custody issues.4)Need for parenting skills, referrals made.5)Lack of evidence.	25	20	0	165	134

	Reasons for Unsubstantiation	Malicious reports determined at intake	Malicious reports determined during investigation	How many resulted in the family accepting voluntary services	Total # Of Reports	Total # Of Unsubstantiated Reports
ONSLOW	1)Did not rise to level of statutory abuse or neglect.2)Family already addressing issues and children are not in need of protection.3)The assessment determined that some of the information was malicious.4)No identifiable risk factors found.	24	40	0	1881	1068
	The situations did not rise to the statutory definitions of abuse or neglect.	0	21	0	958	560
PAMLICO	Reports not meeting the Child Abuse/Neglect standard, based on the evidence. Note- DSS representative shared that only two malicious reports seen during last 16 years.	0	0	0	100	64
PASQUOTANK	1)Insufficient information to support allegations.2)No evidence to support finding of maltreatment.3)Isloated incident and risk factors that are low to moderate.4)Although family may have issues, no evidence of harm to children found.5) malicious reports, however case decision is documented based on info gathered.	100	50 - 75	0	287	204
PENDER	1)Alleged incidents did not rise to statutory requirement for abuse or neglect.2)Family accessed services, no need for intervention.3) Small percentage of reports found to be malicious.	0	12	0	400	294
PERQUIMANS	1)Allegations were not proven during the assessment.2)The reported allegations were not accurate.	2	5	0	48	31
PERSON	1)Information gathered during the invs did not confirm allegations.2)Isolated incident and family is seeking services.3)Custody not CPS.4) Concerns failed to meet legal definition of maltreatment.5)Estranged family relationships. 6) Perp removed from the home.	0	0	n/a	231	175
PITT	1)Allegations did not rise to standard for abuse or neglect.2)Family was referred to appropriate resources and the report was unsubstantiated.	0	3	0	1272	807
POLK	1)Family referred referred for services during assessment period and any risk factors have been mitigated by services.2)The facts, as determined during the assessment process did not rise to the statutory level of abuse or neglect.3)During the course of the invs assessment it became clear this was a malicious report.	4%	3%	0	144	96

County	SFY2003	SFY2003	SFY2003	SFY2003	SFY2003	SFY2003
	Reasons for Unsubstantiation	Malicious reports determined at intake	Malicious reports determined during investigation	How many resulted in the family accepting voluntary services	Total # Of Reports	Total # Of Unsubstantiated Reports
RANDOLPH	1)The assessment revealed that the level of child maltreatment did not rise to the level for a substantiated case of abuse or neglect.2)Services offerred to assit famly in resolving issues quickly.3)Reporters just had inaccurate information.3)Reporters having little info.4)Due to changes in circumstances. At the time of the assessment proper care is being provided.	0	1of 21 sample	0	1115	832
RICHMOND	1) Families referred for services during the assessment and risk factors have been mitigated by services. 2)Facts as determined during the assessment process did not rise to the statutory level of abuse or neglect.3)During the course of the investigation, it became clear that the report was malicious.	3%	8%	4%	617	523
ROBESON	Most of the reports unsubstantiated did not meet the statutory level of abuse or neglect. However, several of the reports made were clearly because of malicious reporting.	25 to 30	360 a year	unknown	1839	1398
ROCKINGHAM	1)Facts did not rise to statutory level of abuse/neglect.2) Family was receiving services prior to report which mitigated risk factors.3)Family mitigated risk during invs and requested preventive services. "Rockingham has a very sucessessful preventive services program."	0	1or 2	0	665	491
ROWAN	1)Facts did not meet the statutory definition of abuse or neglect or dependency.2)Safety resource usedduring the assessment to reduce or remove risk.3)malicious report.	20	55	40	1271	978
RUTHERFORD	1)No evidence at/during the investigation (family denies allegation, no collaterals to confirm the report, no disclosure from the children, many reporters are anonymous leaving no way to contact them for additional info, and incident occurred due to no fault of the parent.)	1	31	1	1056	574
SAMPSON	1)The conditions reported were alleviated by services provided during the course of the investigation.2)The facts as determined during the assessment process did not rise to the statutory level of abuse or neglect.	0	5 to 10%	0	198	107
SCOTLAND	1)SW's provided services to families during the investigative process.2)Facts gathered during the investigation do not meet the statutory definitions of abuse or neglect.3)In a rural county, everyone knows everyone, folks that have been investigated know what to say to CPS Intake to get a report accepted on someone they take issue with. The end result is a malicious report.	7%	15%	2%	386	291

	Reasons for Unsubstantiation	Malicious reports determined at intake	Malicious reports determined during investigation	How many resulted in the family accepting voluntary services	Total # Of Reports	Total # Of Unsubstantiated Reports
STANLY	1) The primary reason is that the evidence obtained during the investigative assessment did not rise to the statutory level of abuse, negelct or dependency. 2) Other reasons for unsubstantiated reports were that SW's were unable to obtain sufficient info evidence to support abuse or neglect; the family corrected the conditions that led to the neglect of the children during the invs; and the allegations were found not true.	1	20	0	415	289
STOKES	1) lack of evidence to support the allegations.2)family referred for services during the investigation.3)Reporter misinterpreted an incident.4)One report appeared to have been malicious.	0	1	1	335	229
SURRY	The facts gathered during the investigative assessment either refuted or did not support the allegations reported.	0	0	0	541	358
SWAIN	The allegations did not meet the statutory definition of abuse or neglect or there were no findings of abuse or neglect as defined by NCGS 7B-101. Regarding malicious reports, Swain noted that: How would it be possble to know what is malicious at the point of Intake ? They investigate all reports that meet the statutory definition.	0	1	1	257	213
TRANSYLVANIA	1)Family assessments , more intensive , positive work with families that get families hooked up quickly with services to reduce risk and keep children safe. 2)CPS assessments /investigations with a finding/risk rating that children are at least marginally safe.3)Lack of facts to support substantiation.4)Custody Issues.5)Good interviews with children that result in greater clarification and the findings disprove the allegations.6)Findings where values are the real issues vs child maltreatment.	0	6?	0	242	203
TYRRELL	Main factor:The report after the investigation did not meet the legal definition of abuse or neglect.	0	1	0	26	22
UNION	All examples given by the state division. Also, some cases that did not appear to be malicious were unsubstantiated as the investigator simply found that the situation was not as described at intake. Finally, in some cases the perp may no longer lives with the victim child, which reduces the risk level to the child and family.	0	1%	0	938	743
VANCE					551	427

County	SFY2003	SFY2003	SFY2003	SFY2003	SFY2003	SFY2003
	Reasons for Unsubstantiation	Malicious reports determined at intake	Malicious reports determined during investigation	How many resulted in the family accepting voluntary services	Total # Of Reports	Total # Of Unsubstantiated Reports
WAKE	1)Worker did not ascertain any information to support allegation. The allegation did not rise to the level to meet the statutory requirements and no risk to child.2)The incident was islolated.3)CPS reports being filed and all the family really needed is services, the family connected with services and the case closed.4) Lack of/ poor communication, issues resloved during invs.5)Children deny allegations and there is no collaterals to to help support what was reported.6)Custody reports, repeated calls to CPS.7)Only a small # of reports are truly malicious.	?	? small #	?	4301	3066
WARREN	1)No indication of inappropriate discipline or improper supervision 2)Family referred for services during investigation phase and risk factors were alleviated.	2	6	0	128	93
WASHINGTON	1)The facts as determined during the investigation did not meet the statutory level of negelct or abuse.2)No proof of the allegations.3) Conditions were resolved during the investigation.4)Child denied allegations. 5)Custody issues.	0	11	0	41	25
WATAUGA	1) Misundertanding.2)Did not meet the legal definition of abuse or neglect.3)Famy already addressing issues faced by the family.4)Services offered corrected situation.5)Family dynamics changed.6)No factual info was found to support allegations.	maybe 7 ?	1	0	141	104
WAYNE	Custody disputes and family referred to civil court to settle their disagreement. 2)Isolated incident.3)Reporters retaliating on one another.4) Children not realy dependent once agency looked at report.	1%	5%	0	1077	691
WILKES	The primary reason for a case being unsubstantiated was because there was no evidence found that rose to the level of abuse or neglect. Another reason as listed was that services were offered and the risk factor was lowered during the investigation. Wilkes County states that the motive behind the report did not affect the decision to unsubstantiate.	10%	25%	10 families	695	448
WILSON	1) Family rectified problems before, during or after our involvement.2) Issues found did not meet statutory definition of abuse or neglect. 3)facts did not support a case substantiation.4)No risk to children found during assessment.	unknown	27?	unknown	583	415
YADKIN	The facts as determined during the assessment process did not rise to the statutory level of abuse or neglect.	20	25	0	200	147

	Reasons for Unsubstantiation	Malicious reports determined at intake	Malicious reports determined during investigation	How many resulted in the family accepting voluntary services	Total # Of Reports	Total # Of Unsubstantiated Reports
YANCEY	They did not rise to the statutory level of abuse or neglect or dependency. Minimum sufficient care was assessed.	0	0	0	274	101
Statewide totals					70,503	50,205

APPENDIX F

A BILL TO BE ENTITLED

AN ACT TO RECOMMEND FURTHER CONSIDERATION AND STUDY OF ISSUES RELATING TO THE PROVISION OF CHILD PROTECTIVE SERVICES AS RECOMMENDED BY THE HOUSE INTERIM COMMITTEE ON CHILD ABUSE AND NEGLECT, FOSTER CARE, AND ADOPTION.

The General Assembly of North Carolina enacts:

SECTION 1. The Appropriations committees should consider the expansion budget request made by the Secretary of the Department of Health and Human Services with respect to a statewide automated child welfare information system, expansion of the Child Welfare Collaborative, the multiple response system, and a statewide foster parent recruitment and retention strategy, at the appropriate time, taking into consideration any potential financial impact on local governments as a result of the implementation of the budget requests.

SECTION 2. The Department of Health and Human Services and the Department of Justice, along with other interested agencies, shall develop and implement a method for educating law enforcement and child protective services personnel involved with CPS investigations with regard to the scope, responsibilities, and limitations of their role in the investigation and with regard to the availability of criminal background histories on alleged perpetrators.

SECTION 3. The Committee recommends that the TANF Block Grant funds allocated by the General Assembly for welfare services personnel be restricted to the creation of new, additional positions at the local level for direct child protective services; and such funds not be used for administrative or overhead costs, training or other activities, or to supplant existing federal, state, local or other resources currently funding existing child protective services staff.

SECTION 4. The Department of Health and Human Services, Office of State Personnel, and other interested organizations shall study child protective services positions in the counties to discern the reasons for the variations in compensation and recommend possible solutions. The study shall also recommend options for an incentive program for child protective services personnel to address recruitment and retention concerns, and a report shall made to the 2005 Regular Session of the 2005 General Assembly.

SECTION 5. The Department of Health and Human Services and the Fiscal Research Division of the General Assembly shall review the current funding formulas for Child Protective Services at the local level. The Department shall report to the 2005 Regular Session of the 2005 General Assembly and the Fiscal Research Division information regarding the rationale applied in determining county funding for Child Protective Services. The report shall also include recommendations on improving the funding formula to assure that counties are funded on an equitable basis.

SECTION 6. The Division of Social Services within the Department of Health and Human Services shall collect and maintain data as to the reason why a report of abuse, neglect and dependency is determined to be unsubstantiated if the report is classified as such upon investigation.

SECTION 7. The Division of Social Services within the Department of Health and Human Services shall collect and maintain data as to whether all reports of suspected abuse, neglect or dependency are reasonably believed to have been knowingly and willfully made with untrue statements and why those statements are reasonably believed to have been knowingly and willfully made with untrue statements.

SECTION 8. The Division of Social Services within the Department of Health and Human Services shall collect and maintain data of instances of failure to report allegations of abuse, neglect, or dependency and the known reasons for that failure to report.

SECTION 9. The Department of Health and Human Services shall review other states reporting practices, including legislation, implementation concerns, and frequency of violations of the reporting laws, and report to the 2005 Regular Session of the 2005 General Assembly with recommendations and any suggested amendment to the North Carolina reporting laws on or before the convening of the session.

SECTION 10. The Department of Health and Human Services shall develop a comprehensive strategy to address the need for child abuse/neglect prevention programs across the state, including an assessment of best practices, an examination of existing funding sources, and restoration of funding where needed.

SECTION 11. The Children's Trust Fund shall report annually on revenues and expenditures of the Fund to the Joint Committee on Governmental Operations.

SECTION 12. The Administrative Office of the Courts shall contract with an independent research entity to study court appointed attorney compensation and report to the 2005 Regular Session of the 2005 General Assembly. AOC shall consult with the Office of Indigent Defense Services on the selection of the independent research entity. AOC and IDS shall jointly use up to $50,000 of available funds to secure this contract.

SECTION 13. The North Carolina Court Improvement Project shall report its findings, including annual statistical data and results of appeals, and recommendations to the Appropriations Committees of the House and Senate and to the House Children, Youth and Families Committee on or before June 1, 2004.

SECTION 14. This act becomes effective July 1, 2004.

APPENDIX G

Prepared by Pheon Beal, Division of Social Services

North Carolina Department of Health and Human Services
Division of Social Services

325 North Salisbury Street • Raleigh, North Carolina 27633-2401
Courier # 56-20-25

Michael F. Easley, Governor
Carmen Hooker Odom, Secretary

Pheon E. Beal, Director
(919)733-3055

March 15, 2004

Memorandum

To: House Committee Members on CPS, Foster Care and Adoption

From: Pheon E. Beal

Subject: Update on Administrative Office of the Courts Contract, Temporary Social Work Agencies and Personnel Related Issues

The NC DHHS Division of Social Services would like to provide committee members with an update on two issues we have discussed previously with you. You may recall that the Division of Social Services has been working closely with the Administrative Office of the Courts to allow all 100 county departments of social services free and easy access to named-based state criminal record checks via the AOC database. I am pleased to report that the contract required making this service a reality is now in its final review at the Administrative Office of the Courts and that the legislature's Governmental Operations Commission approved the funding for the contract this week. The commission's approval of this funding was delayed when its February meeting was cancelled due to inclement weather. AOC will now begin the process of filling two positions funded by the NC DHHS Division of Social Services to provide training and access support to all county departments of social services.

Regarding the second issue, your committee has heard compelling testimony regarding the need for increased recruitment and retention of qualified child welfare staff. The NC DHHS Division of Social Services has taken two important steps to address these issues. We appreciate the

interest that Representative Farmer-Butterfield and other members have expressed concerning maximizing the use of temporary social work staff to support agencies when vacancies occurred. Towards that end, the Division has developed a mechanism to allow staff from temporary social work agencies to attend pre-service training for child welfare that is required by statute. Due to funding constraints, temporary staffs have not had access to this training in the past. Under an approved agreement, the Division will now allow temporary social work agencies to send their social workers to the required 72-hour training course in exchange for a mutually agreed upon fee.

Current DSS policy requires that any practitioner who has not practiced child welfare in the state within the past 24 months must attend a pre-service training. To make these training requirements more flexible – and increase the pool of qualified child welfare workers in our state – NC DSS has also agreed to consider, on a case by case basis, waiving the pre-service training requirement. For example, a retired social worker with the proper experience and credentials can now apply to have the requirement waived. We are hopeful that this new flexibility will increase the pool of qualified social workers while also maintaining the highest standards within our workforce.

The Office of State Personnel, in conjunction with The Division of Social Services and the NC Association of County Directors of Social Services, recently completed a report on child welfare compensation, recruitment and retention. This report was shared with the committee at an earlier meeting. One of the conclusions supported the need for a higher classification level for Child Welfare Social Workers that perform investigative/assessment and treatment functions. This recommendation came from the overwhelming evidence noting the extreme difficulties in recruiting fully qualified child welfare social workers. A letter was sent to counties dated February 17, 2004 giving staff that have primary responsibilities for child protective services a higher classification than other child welfare workers. Counties have until July 1, 2004 to implement the new classification. The reallocation of these positions coupled with progressive pay policies can assist in the recruitment and development of a more highly qualified and experienced workforce in child welfare.

We appreciate the opportunity to provide this update to Committee members. Please let me know if I can provide you with any additional information about these initiatives.

APPENDIX H

A HOUSE RESOLUTION TO URGE CONGRESS TO CONSIDER AMENDING FEDERAL LAW TO PERMIT CHILD PROTECTIVE SERVICES WORKERS TO OBTAIN FEDERAL CRIMINAL HISTORIES WHEN INVESTIGATING ALLEGATIONS OF CHILD ABUSE AND NEGLECT.

Whereas, 107,157 children in North Carolina were the subject of an investigative assessment or family assessment as the result of a report of suspected abuse, neglect or dependency during the State fiscal year 2002-2003;

Whereas, G.S. 7B-302 requires the director of social services performing the investigation to conduct a thorough review of the background of the alleged abuser or abusers whenever a juvenile is removed from the home of a parent, guardian, custodian, stepparent, or adult relative entrusted with the juvenile's care due to physical abuse, which review must include a criminal history check and a review of any available mental health records;

Whereas, G.S. 7B-101 defines a criminal history check to include a local, State and federal criminal history of conviction or pending indictment to crime, whether a misdemeanor or a felony, involving violence against a person;

Whereas, such information is needed to assist the director of social services in protecting the safety and wellbeing of the juvenile in an alleged abusive or neglectful situation in a timely fashion;

Whereas, 28 U.S.C. 534 and its implementing policies and regulations restrict access to federal criminal history information to only criminal justice agencies engaged in the administration of criminal justice and the provision of child protective services is not deemed to be the administration of criminal justice; and

Whereas, the director of social services may not access federal criminal history information directly and in a timely manner under federal law and such information would assist the director in carrying out the director's duty to protect children;

Be it resolved by the House of Representatives:

SECTION 1. The North Carolina House of Representatives requests our elected representatives in the United States Congress to seek amendment of 28 U.S.C. 534 and its implementing policies and regulations to allow a county director of social services to obtain federal criminal histories when investigating allegations of child abuse and neglect in the provision of child protective services.

SECTION 2. The Principal Clerk shall transmit a certified copy of this resolution to each member of North Carolina's Congressional delegation.

SECTION 3. This resolution is effective upon adoption.

APPENDIX I

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS FOR THE PURPOSE OF CHILD PROTECTIVE SERVICES AND CHILD ABUSE PREVENTION.

The General Assembly of North Carolina enacts:

SECTION 1. There is appropriated from the General Fund to the Department of Health and Human Services for fiscal year 2004-2005 the sum of sixty-four thousand four hundred twenty-nine dollars ($64,429) for the purpose of funding the Child Fatality Task Force employee positions cut in 2003.

SECTION 2. There is appropriated from the General Fund to the Administrative Office of the Courts for fiscal year 2004-2005 the sum of one million four hundred thousand dollars ($1,400,000) for the purpose of increasing the reimbursement rate of the Guardian ad litem attorney advocates.

SECTION 3. This act becomes effective July 1, 2004.

APPENDIX J

A BILL TO BE ENTITLED

AN ACT TO TRANSFER THE CHILDREN'S TRUST FUND AND RESPONSIBILITY FOR AWARDING GRANTS FOR CHILD ABUSE AND NEGLECT PREVENTION PROGRAMS FROM THE DEPARTMENT OF PUBLIC INSTRUCTION TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AS RECOMMENDED BY THE HOUSE INTERIM COMMITTEE ON CHILD ABUSE AND NEGLECT, FOSTER CARE, AND ADOPTION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7B-1301 reads as rewritten:

"**§ 7B-1301. Program on Prevention of Abuse and Neglect.**

(a) The Department of Health and Human Services shall implement the Program on Prevention of Abuse and Neglect.

(b) In order to carry out the purposes of this Article:

(1) The Department shall review applications and award contracts under this Article.

(2) The Department shall contract with public or private nonprofit organizations, agencies, schools, or with qualified individuals to operate community-based educational and service programs designed to prevent the occurrence of abuse and neglect. Every contract entered into by the Department shall contain provisions that at least twenty-five percent (25%) of the total funding required for a program be provided by the administering organization in the form of in-kind or other services and that a mechanism for evaluation of services provided under the contract be included in the services to be performed. In addition, every proposal to the Department for funding under this Article shall include assurances that the proposal has been forwarded to the local department of social services for comment so that the Department may consider coordination and duplication of effort on the local level as criteria in funding programs.

(3) The Secretary shall adopt rules to develop appropriate guidelines and criteria for awarding contracts under this Article. These criteria shall include, but are not limited to: documentation of need within the proposed geographical impact area; diversity of geographical areas of programs funded under this Article; demonstrated effectiveness of the proposed strategy or program for preventing abuse and neglect; reasonableness of implementation plan for achieving stated objectives; utilization of community resources including volunteers; provision for an evaluation component that will provide outcome data; plan for dissemination of the program for implementation in other communities; and potential for future funding from private sources.

(4) The Department shall develop guidelines for regular monitoring of contracts awarded under this Article in order to maximize the investments in prevention programs by the Children's Trust Fund and to

establish appropriate accountability measures for administration of contracts.

(5) The Department shall develop a State plan for the prevention of abuse and neglect for submission to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(c) To assist in implementing this Article, the Department may accept contributions, grants, or gifts in cash or otherwise from persons, associations, or corporations. All monies received by the Department from contributions, grants, or gifts and not through appropriation by the General Assembly shall be deposited in the Children's Trust Fund. Disbursements of the funds shall be on the authorization of the Secretary of the Department. In order to maintain an effective expenditure and revenue control, the funds are subject in all respects to State law and regulations, but no appropriation is required to permit expenditure of the funds.

(d) Programs contracted for under this Article are intended to prevent abuse and neglect of juveniles. Abuse and neglect prevention programs are defined to be those programs and services that impact on juveniles and families before any substantiated incident of abuse or neglect has occurred. These programs may include, but are not limited to:

(1) Community-based educational programs on prenatal care, perinatal bonding, child development, basic child care, care of children with special needs, and coping with family stress; and

(2) Community-based programs relating to crisis care, aid to parents, and support groups for parents and their children experiencing stress within the family unit.

(e) No more than twenty percent (20%) of each year's total awards may be utilized for funding State-level programs to coordinate community-based programs."

SECTION 2. G.S. 7B-1302 reads as rewritten:

"§ 7B-1302. Children's Trust Fund.

There is established a fund to be known as the "Children's Trust Fund," in the Department of State Treasurer, which shall be funded by a portion of the marriage license fee under G.S. 161-11.1 and a portion of the special license plate fee under G.S. 20-81.12. The money in the Fund shall be used by the Department of Health and Human Services to fund abuse and neglect prevention programs so authorized by this Article."

SECTION 3. This act becomes effective July 1, 2004.